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IMMIGRATION
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Border Patrol official expects more than 1 million migrant encounters this year

Officials encountered more than 100,000 migrants in February

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Biden has posted 'open for business' sign at border: Texas Congressman

U.S. Rep. Michael Burgess, who just visited the region, with a firsthand account of the crisis.

A border official on Tuesday told reporters that he expects Border Patrol to have more than a million migrant encounters in 2021 -- the latest indication of the scale of the escalating crisis at the southern border that the Biden administration faces.

Texas Deputy Border Chief Raul Ortiz told pool reporters that he "fully expects" Border Patrol to encounter more than a million migrants this year.

INSIDE THE BORDER CRISIS: PRESS TOUR PACKED TEXAS FACILITY WITH 4,000+ MIGRANTS

In February, there were more than 100,000 migrant encounters in February, and there is little sign that that rate is slowing down -- with peak migration season coming before June.

While the administration has noted that many of those encountered are single adults, and therefore able to be swiftly returned under Title 42 health protections, those that arrive as part of a family unit or who are unaccompanied children are not so easily returned.

Some migrant families can be returned under Title 42, but Mexico has been refusing to take back families with tender-age children, meaning families are being held in the U.S. or released into the interior.

There are currently more than 5,000 unaccompanied children in Customs and Border Protection custody and more than 11,000 in Health and Human Services custody.

GOP SENATORS REVEAL SHOCKING IMAGES OF MIGRANTS, BABIES PACKED IN BORDER FACILITIES

Some of those minors were seen by reporters on Tuesday, when press was allowed in to view a migrant facility in Donna, Texas, which is at 1700 percent capacity -- with more than 3,400 children in custody.

Eight "pods" were seen -- each containing 500-600 migrants. Guidelines say there should only be 32 migrants in each pod. Donna's temporary facility is 140,000 square feet.



Video

The images, as well as indications that the border crisis will not abate any time soon, is continuing to increase pressure on the Biden administration to act. The administration has claimed it is not facing a "crisis" but calling it a "challenge" instead -- a claim rejected by Republicans.

MIGRANT CHILDREN IN BIDEN'S PACKED BORDER FACILITIES NOT BEING COVID TESTED. CAN'T SOCIAL DISTANCE

"It is a humanitarian disaster and crisis," Sen. Ted Cruz, R-Texas, who led a delegation to Donna last week, said on "Fox & Friends" on Wednesday. "And it's man-made. Joe Biden caused this by political decisions made in the opening weeks of his administration."

Critics have blamed the ending of Trump-era policies like the Migrant Protection Protocols (MPP) -- which kept migrants in Mexico -- and the halting of border wall construction for giving a green light to migrants to make the journey north. The administration has blamed the prior administration for dismantling legal pathways for asylum.

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"What we're working to do is put in place steps and actions to help address the situation at the border, including...expediting processing and opening up additional shelters, but also reinstituting policies like the Central American Minors Program to encourage young people to apply in their country and not make that treacherous journey,"

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"We are also in a circumstance where we are digging out of a broken system over the past four years -- not just the inhumane policies, but the fact that there were never efforts put in place to look for and seek shelters where these children could be safely and humanely housed," she said.

Adam Shaw is a reporter covering U.S. and European politics for Fox News. He can be reached at adam.shaw@foxnews.com.

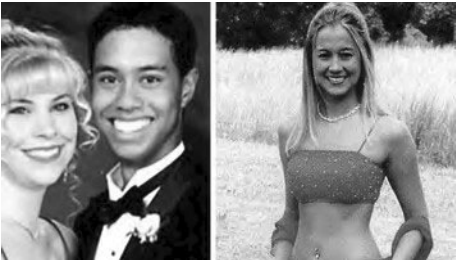
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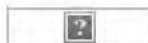
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF WYATT SULING

U.S. Customs and Border Protection Encounters
Southwest Land Border Encounters for Fiscal Year 2021

EXHIBIT A-8

U.S. Customs and
Border Protection

U.S. Customs and Border Protection (CBP) Encounters Southwest Land Border Encounters for Fiscal Year (FY) 2021

Demographic
AllCitizenship Grouping
AllTitle of Authority
All

Reset Filters

	OFO	USBP	All CBP
MAR FY21	4,135	169,213	173,348
APR FY21	5,162	173,460	178,622
PERCENT CHANGE	▲ 24.8%	▲ 2.5%	▲ 3.0%

Demographic: All; Citizenship: All; Title of Authority: All

FYTD Southwest Land Border Demographic by Month

		OCT	NOV	DEC	JAN	FEB	MAR	APR	FYTD Total
Office of Field Operations	Accompanied Minors	112	89	87	105	145	159	134	831
	FMUA	113	130	156	230	301	719	1,790	3,439
	Single Adults	2,544	2,606	2,493	2,631	2,872	3,030	3,000	19,176
	UC / Single Minors	131	124	140	163	160	227	238	1,183
	<i>Total</i>	<i>2,900</i>	<i>2,949</i>	<i>2,876</i>	<i>3,129</i>	<i>3,478</i>	<i>4,135</i>	<i>5,162</i>	<i>24,629</i>
U.S. Border Patrol	FMUA	4,634	4,170	4,248	7,066	19,287	53,406	48,226	141,037
	Single Adults	59,727	60,516	62,042	62,560	69,085	97,074	108,301	519,305
	UC / Single Minors	4,690	4,476	4,852	5,688	9,270	18,733	16,933	64,642
	<i>Total</i>	<i>69,051</i>	<i>69,162</i>	<i>71,142</i>	<i>75,314</i>	<i>97,642</i>	<i>169,213</i>	<i>173,460</i>	<i>724,984</i>
FYTD Total		71,951	72,111	74,018	78,443	101,120	173,348	178,622	749,613

Source: USBP and OFO official year end reporting for FY18-FY20; USBP and OFO month end reporting for FY21 to date. Data is current as of 5/4/2021.



U.S. Customs and
Border Protection

U.S. Customs and Border Protection (CBP) Encounters
US Border Patrol (USBP) Title 8 Apprehensions,
Office of Field Operations (OFO) Title 8 Inadmissible Volumes,
and Title 42 Expulsions by Fiscal Year (FY)

FY All Component All Demographic All

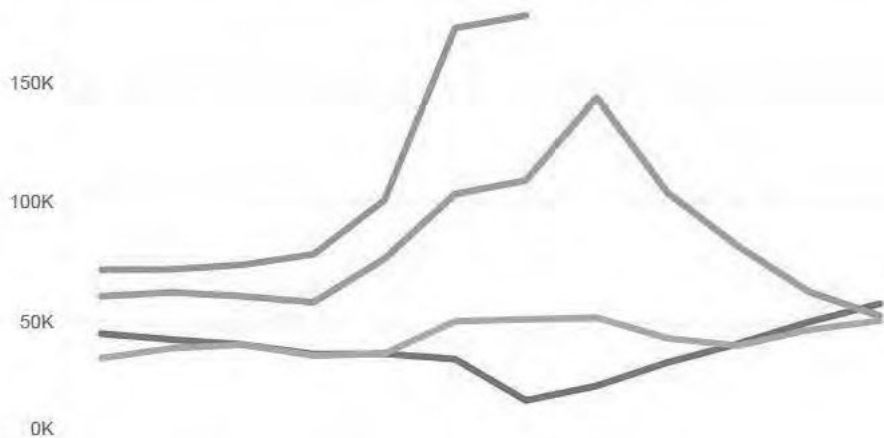
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All

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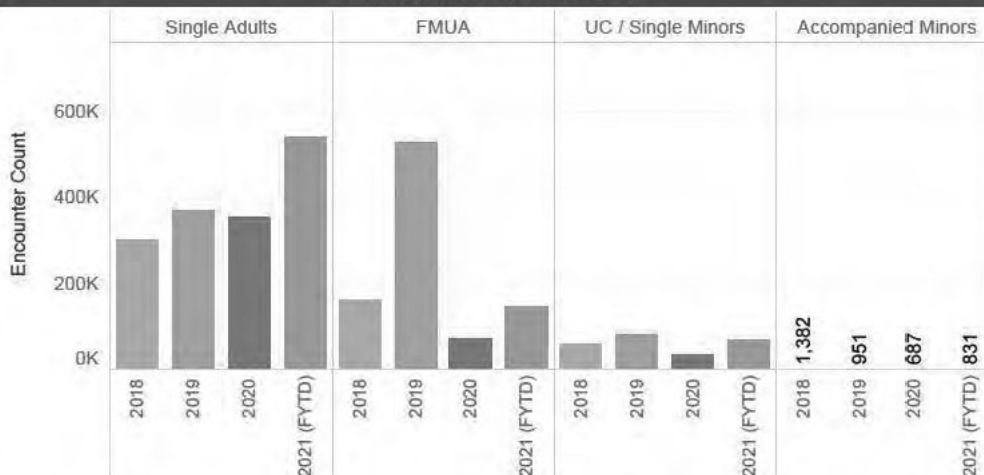
FY 2018 2019 2020 2021 (FYTD)

FY Southwest Land Border Encounters by Month



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Total
2021 (FYTD)	71,951	72,111	74,018	78,443	101,120	173,348	178,622						749,613
2020	45,139	42,643	40,565	36,585	36,687	34,460	17,106	23,237	33,049	40,929	50,014	57,674	458,088
2019	60,781	62,469	60,794	58,317	76,545	103,731	109,415	144,116	104,311	81,777	62,707	52,548	977,509
2018	34,871	39,051	40,519	35,905	36,751	50,347	51,168	51,862	43,180	40,149	46,719	50,568	521,090

FY Comparison by Demographic



Source: USBP and OFO official year end reporting for FY18-FY20; USBP and OFO month end reporting for FY21 to date. Data is current as of 5/4/2021.



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2000

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	716	523	514	527	525	588	496	529	449	395	517	426	6,205
Miami	401	342	493	375	562	614	461	613	483	639	543	711	6,237
New Orleans	559	626	333	596	684	1,000	581	507	375	262	392	563	6,478
Ramey	221	102	115	142	28	71	63	202	124	99	284	280	1,731
Blaine	246	184	177	228	204	226	200	311	229	196	197	183	2,581
Buffalo	168	106	61	80	65	117	117	110	109	185	219	233	1,570
Detroit	213	145	191	190	183	227	169	146	138	165	130	160	2,057
Grand Forks	68	30	20	33	33	71	44	57	57	36	48	65	562
Havre	73	82	80	122	78	100	190	246	129	120	178	170	1,568
Houlton	51	37	32	25	42	25	30	30	25	45	105	42	489
Spokane	112	103	65	92	100	95	80	102	118	156	154	147	1,324
Swanton	153	111	125	97	87	108	132	118	140	370	374	142	1,957
Big Bend (formerly Marfa)	891	1,111	1,192	1,093	1,675	1,597	1,272	1,154	885	921	998	900	13,689
Del Rio	8,161	6,812	5,118	20,354	24,706	24,416	18,145	13,443	7,820	9,373	10,132	8,698	157,178
El Centro	13,761	11,035	8,882	21,924	31,072	33,301	26,534	27,460	20,071	15,820	15,018	13,248	238,126
El Paso	6,386	5,203	4,651	14,914	15,049	16,018	12,883	10,645	7,637	7,533	8,106	6,671	115,696
Laredo	6,962	6,058	4,477	13,794	14,745	15,549	11,174	9,707	6,436	6,760	6,971	6,340	108,973
Rio Grande Valley (formerly McAllen)	8,416	7,371	5,808	15,443	16,814	17,995	15,005	12,390	7,764	9,842	9,073	7,322	133,243
San Diego	9,046	7,620	5,978	15,363	20,204	18,279	16,751	16,615	13,186	10,630	9,356	8,653	151,681
Tucson	32,384	25,767	30,182	70,632	73,506	76,245	65,213	62,555	44,341	46,849	47,905	40,767	616,346
Yuma	5,403	5,219	4,964	12,462	13,557	16,663	13,073	12,327	6,953	6,228	6,753	5,145	108,747
Coastal Border	1,897	1,593	1,455	1,640	1,799	2,273	1,601	1,851	1,431	1,395	1,736	1,980	20,651
Northern Border	1,084	798	751	867	792	969	962	1,120	945	1,273	1,405	1,142	12,108
Southwest Border	91,410	76,196	71,252	185,979	211,328	220,063	180,050	166,296	115,093	113,956	114,312	97,744	1,643,679
Monthly Total	94,391	78,587	73,458	188,486	213,919	223,305	182,613	169,267	117,469	116,624	117,453	100,866	1,676,438



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2001

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	532	449	360	403	407	463	443	482	463	436	406	367	5,211
Miami	338	590	481	483	452	392	399	503	607	735	532	450	5,962
New Orleans	315	306	396	358	634	446	740	377	346	402	354	359	5,033
Ramey	399	285	187	418	79	73	19	117	94	107	101	73	1,952
Blaine	179	168	151	141	159	175	145	194	231	192	186	168	2,089
Buffalo	203	85	74	87	81	116	89	137	134	165	156	107	1,434
Detroit	132	139	107	195	182	167	157	156	177	195	349	150	2,106
Grand Forks	48	23	45	44	66	73	96	85	112	100	144	85	921
Havre	108	67	58	77	136	108	104	97	93	169	175	113	1,305
Houlton	40	37	30	54	27	30	24	31	33	153	182	44	685
Spokane	158	114	126	99	100	131	87	95	117	132	109	67	1,335
Swanton	126	120	75	101	73	95	109	139	168	543	715	199	2,463
Big Bend (formerly Marfa)	844	874	776	846	1,046	1,427	1,249	1,123	1,058	1,107	906	831	12,087
Del Rio	7,648	5,344	3,756	11,218	16,447	16,833	11,444	9,005	7,048	6,069	6,038	4,025	104,875
El Centro	13,712	9,979	8,299	18,672	21,412	21,815	20,699	17,203	11,385	11,175	10,965	7,536	172,852
El Paso	6,095	5,401	4,683	10,862	12,369	15,311	12,738	11,343	8,035	8,607	9,945	7,468	112,857
Laredo	5,154	3,652	2,762	8,228	10,656	12,604	9,928	9,216	6,586	6,475	7,338	4,469	87,068
Rio Grande Valley (formerly McAllen)	6,634	5,975	4,280	10,102	12,298	12,890	11,366	11,204	8,152	9,191	9,426	6,326	107,844
San Diego	8,002	5,556	5,270	11,558	12,085	13,510	12,597	11,270	8,467	7,580	8,297	5,883	110,075
Tucson	30,009	25,889	20,907	43,972	54,913	64,779	52,949	44,573	33,602	29,550	28,028	20,504	449,675
Yuma	4,534	5,039	4,348	9,632	11,003	11,411	9,843	7,990	4,798	3,848	3,705	2,234	78,385
Coastal Border	1,584	1,630	1,424	1,662	1,572	1,374	1,601	1,479	1,510	1,680	1,393	1,249	18,158
Northern Border	994	753	666	798	824	895	811	934	1,065	1,649	2,016	933	12,338
Southwest Border	82,632	67,709	55,081	125,090	152,229	170,580	142,813	122,927	89,131	83,602	84,648	59,276	1,235,718
Monthly Total	85,210	70,092	57,171	127,550	154,625	172,849	145,225	125,340	91,706	86,931	88,057	61,458	1,266,214



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2002

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	437	439	373	362	247	314	359	340	360	358	457	325	4,371
Miami	391	352	251	445	415	494	422	475	440	532	564	362	5,143
New Orleans	352	220	299	357	373	459	492	307	460	427	424	495	4,665
Ramey	3	47	11	37	36	98	32	94	29	90	222	136	835
Blaine	127	152	172	106	147	132	156	175	124	148	157	136	1,732
Buffalo	50	73	36	74	101	112	155	121	85	64	142	89	1,102
Detroit	135	106	98	99	135	107	137	132	106	173	133	150	1,511
Grand Forks	85	80	87	93	87	113	131	159	153	138	108	135	1,369
Havre	114	119	92	89	107	144	123	138	113	139	163	122	1,463
Houlton	27	31	24	43	40	35	31	36	28	42	59	36	432
Spokane	62	53	60	98	91	100	90	104	99	135	121	129	1,142
Swanton	82	73	76	71	58	104	100	125	210	293	387	157	1,736
Big Bend (formerly Marfa)	913	810	876	826	1,040	1,184	1,312	1,163	702	748	940	878	11,392
Del Rio	2,938	2,367	2,104	8,384	10,087	12,068	8,540	5,404	3,787	3,301	4,297	3,708	66,985
El Centro	4,069	3,318	3,720	9,670	11,118	15,673	14,274	11,415	8,870	7,897	9,557	8,692	108,273
El Paso	4,441	3,483	3,784	8,185	9,393	11,309	11,783	9,972	6,931	8,044	9,018	7,811	94,154
Laredo	3,431	2,949	2,608	7,711	10,628	12,270	10,709	7,861	6,545	5,830	6,376	5,177	82,095
Rio Grande Valley (formerly McAllen)	4,784	3,744	3,843	8,035	8,438	10,153	10,310	9,473	8,109	7,523	8,762	6,753	89,927
San Diego	4,530	3,178	3,183	7,716	9,172	12,832	11,712	11,222	9,251	9,340	10,115	8,430	100,681
Tucson	11,124	10,523	9,208	25,182	32,264	46,094	47,712	36,333	30,898	30,212	30,078	24,020	333,648
Yuma	1,582	2,134	2,175	4,084	3,584	5,409	5,569	4,581	3,562	3,766	3,414	2,794	42,654
Coastal Border	1,183	1,058	934	1,201	1,071	1,365	1,305	1,216	1,289	1,407	1,667	1,318	15,014
Northern Border	682	687	645	673	766	847	923	990	918	1,132	1,270	954	10,487
Southwest Border	37,812	32,506	31,501	79,793	95,724	126,992	121,921	97,424	78,655	76,661	82,557	68,263	929,809
Monthly Total	39,677	34,251	33,080	81,667	97,561	129,204	124,149	99,630	80,862	79,200	85,494	70,535	955,310



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2003

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	371	292	288	309	253	315	336	330	267	247	211	346	3,565
Miami	686	398	287	493	542	461	623	434	408	491	481	627	5,931
New Orleans	462	430	349	535	506	504	576	516	399	378	252	244	5,151
Ramey	198	316	121	201	32	36	46	231	81	21	172	233	1,688
Blaine	107	107	89	92	116	125	93	121	69	152	140	169	1,380
Buffalo	112	79	55	35	30	34	26	22	33	28	30	80	564
Detroit	151	195	153	178	188	170	220	195	196	235	232	232	2,345
Grand Forks	102	81	88	78	110	119	113	90	99	123	131	89	1,223
Havre	151	105	86	92	98	97	156	135	132	128	110	116	1,406
Houlton	53	22	12	19	17	16	19	30	21	38	29	16	292
Spokane	126	88	72	79	69	54	42	60	68	137	87	110	992
Swanton	107	80	80	101	113	121	101	156	337	352	235	172	1,955
Big Bend (formerly Marfa)	754	722	872	862	974	1,097	860	1,099	678	773	867	761	10,319
Del Rio	3,037	1,942	2,083	6,546	7,127	6,579	5,020	4,973	2,857	2,993	3,700	3,288	50,145
El Centro	8,399	6,107	4,572	12,369	13,293	11,632	6,116	6,528	5,791	6,128	6,076	5,088	92,099
El Paso	6,545	5,303	4,008	9,255	10,000	8,883	7,359	8,120	6,998	7,618	7,538	7,189	88,816
Laredo	4,644	4,157	3,991	7,444	7,603	7,803	5,990	6,683	5,165	5,570	6,371	5,100	70,521
Rio Grande Valley (formerly McAllen)	6,024	4,218	3,814	7,630	7,905	7,498	6,560	7,095	6,153	7,042	7,737	6,073	77,749
San Diego	7,339	5,379	4,280	10,177	10,958	11,158	9,082	10,680	9,271	10,207	11,217	11,767	111,515
Tucson	21,352	17,206	11,481	26,826	33,854	37,055	29,099	37,847	32,532	34,201	36,639	29,171	347,263
Yuma	3,698	2,697	2,723	5,816	5,155	6,694	5,273	5,665	6,085	4,752	4,341	3,739	56,638
Coastal Border	1,717	1,436	1,045	1,538	1,333	1,316	1,581	1,511	1,155	1,137	1,116	1,450	16,335
Northern Border	909	757	635	674	741	736	770	809	955	1,193	994	984	10,157
Southwest Border	61,792	47,731	37,824	86,925	96,869	98,399	75,359	88,690	75,530	79,284	84,486	72,176	905,065
Monthly Total	64,418	49,924	39,504	89,137	98,943	100,451	77,710	91,010	77,640	81,614	86,596	74,610	931,557



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Total Illegal Alien Apprehensions By Month - FY 2004

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	296	225	220	172	184	183	185	214	171	0	0	0	1,850
Miami	437	321	367	522	418	346	371	252	415	344	494	315	4,602
New Orleans	284	244	184	293	226	376	282	286	296	98	158	162	2,889
Ramey	213	247	332	166	188	31	178	87	99	74	165	33	1,813
Blaine	135	100	101	76	118	145	132	136	106	85	117	103	1,354
Buffalo	25	17	30	28	28	84	60	84	85	86	95	49	671
Detroit	154	157	111	114	108	202	149	173	148	184	212	200	1,912
Grand Forks	92	89	85	105	70	106	84	134	136	122	105	97	1,225
Havre	81	48	90	84	62	84	69	92	83	108	106	79	986
Houlton	27	19	17	38	17	15	17	22	17	32	24	18	263
Spokane	83	79	51	69	103	101	52	58	84	54	49	64	847
Swanton	177	82	107	224	182	195	141	179	270	526	374	244	2,701
Big Bend (formerly Marfa)	707	710	824	696	907	1,104	993	923	885	1,068	930	783	10,530
Del Rio	2,913	2,372	2,307	5,044	6,561	7,983	4,960	5,177	3,709	4,242	4,573	3,953	53,794
El Centro	5,438	3,799	2,802	7,826	8,417	10,761	8,327	7,616	5,611	4,581	5,086	4,203	74,467
El Paso	6,451	5,244	4,030	8,768	10,584	13,483	12,632	10,343	8,432	8,654	8,321	7,457	104,399
Laredo	4,479	4,670	3,571	6,540	8,057	9,686	7,069	7,421	6,149	5,376	6,570	5,118	74,706
Rio Grande Valley (formerly McAllen)	5,414	5,053	4,636	8,102	8,732	10,149	9,618	8,916	7,423	8,826	8,542	7,536	92,947
San Diego	10,426	7,996	5,849	13,405	13,252	17,532	15,962	14,976	11,548	9,530	9,716	8,416	138,608
Tucson	26,530	24,890	17,349	34,913	45,312	72,095	64,563	53,132	42,013	39,114	38,740	33,120	491,771
Yuma	3,033	3,160	2,246	7,227	8,847	12,188	11,344	10,222	8,820	10,774	10,768	9,431	98,060
Coastal Border	1,230	1,037	1,103	1,153	1,016	936	1,016	839	981	516	817	510	11,154
Northern Border	774	591	592	738	688	932	704	878	929	1,197	1,082	854	9,959
Southwest Border	65,391	57,894	43,614	92,521	110,669	154,981	135,468	118,726	94,590	92,165	93,246	80,017	1,139,282
Monthly Total	67,395	59,522	45,309	94,412	112,373	156,849	137,188	120,443	96,500	93,878	95,145	81,381	1,160,395



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2005

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore	51	26	6	3	0	7	5	3	7	1	0	5	114
Miami	541	460	489	641	487	574	536	717	676	648	586	890	7,245
New Orleans	140	129	135	155	73	100	96	170	69	83	186	22	1,358
Ramey	188	112	205	33	106	63	163	67	103	101	156	322	1,619
Blaine	89	92	75	69	93	96	68	88	93	85	72	81	1,001
Buffalo	26	27	21	28	29	37	40	53	19	34	45	41	400
Detroit	200	176	133	164	205	193	132	113	122	107	132	116	1,793
Grand Forks	109	72	73	98	90	61	35	24	41	28	56	67	754
Havre	83	106	57	73	70	85	105	89	88	70	74	48	948
Houlton	17	47	31	27	26	6	19	10	11	18	8	13	233
Spokane	26	26	30	26	7	22	33	30	41	18	14	6	279
Swanton	193	186	141	95	105	152	105	123	241	274	214	106	1,935
Big Bend (formerly Marfa)	844	713	722	802	1,113	1,364	1,276	866	620	761	777	678	10,536
Del Rio	3,856	2,795	2,768	6,120	7,248	7,935	7,584	6,270	4,947	5,873	6,498	6,612	68,506
El Centro	3,723	2,798	1,772	4,963	5,926	6,632	6,010	5,352	3,829	3,712	5,047	5,958	55,722
El Paso	7,472	5,801	4,464	9,898	13,033	13,249	15,274	11,041	8,445	11,568	12,099	10,335	122,679
Laredo	4,691	3,997	3,367	6,331	7,530	8,112	9,043	7,569	5,699	6,623	6,635	5,749	75,346
Rio Grande Valley (formerly McAllen)	7,813	7,512	7,214	9,136	10,147	13,176	14,635	14,796	13,109	12,208	12,713	11,727	134,186
San Diego	6,702	5,428	4,632	9,390	10,864	12,750	16,534	15,114	10,921	10,010	11,798	12,761	126,904
Tucson	31,940	27,673	17,631	35,873	45,875	64,096	52,644	40,764	31,694	32,390	29,178	29,321	439,079
Yuma	8,872	8,418	5,836	10,507	12,039	15,734	17,062	14,051	11,522	11,809	11,988	10,600	138,438
Coastal Border	920	727	835	832	666	744	800	957	855	833	928	1,239	10,336
Northern Border	743	732	561	580	625	652	537	530	656	634	615	478	7,343
Southwest Border	75,913	65,135	48,406	93,020	113,775	143,048	140,062	115,823	90,786	94,954	96,733	93,741	1,171,396
Monthly Total	77,576	66,594	49,802	94,432	115,066	144,444	141,399	117,310	92,297	96,421	98,276	95,458	1,189,075



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2006

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	438	543	693	506	452	450	592	725	523	358	295	457	6,032
New Orleans	48	176	214	372	300	230	136	402	238	289	325	323	3,053
Ramey	184	119	174	60	208	136	127	149	112	46	85	36	1,436
Blaine	71	103	49	54	54	50	83	85	64	66	64	68	811
Buffalo	120	107	71	85	96	101	111	178	154	174	148	172	1,517
Detroit	120	134	130	138	92	149	83	108	78	76	97	76	1,281
Grand Forks	59	48	41	56	36	18	66	49	26	31	48	40	518
Havre	26	58	28	40	62	32	43	63	56	47	52	61	568
Houlton	17	21	15	28	10	12	11	5	22	12	16	6	175
Spokane	8	23	8	10	3	12	26	6	19	6	19	45	185
Swanton	107	98	89	96	75	87	83	121	155	352	201	80	1,544
Big Bend (formerly Marfa)	655	590	563	739	908	910	746	711	478	392	403	425	7,520
Del Rio	4,840	4,016	2,910	4,839	5,854	5,636	4,555	2,633	2,106	1,947	1,683	1,617	42,636
El Centro	5,072	3,831	2,998	5,797	6,399	9,048	6,847	6,187	4,112	3,240	3,705	4,229	61,465
El Paso	11,027	8,191	5,668	11,941	14,457	18,668	15,238	12,239	7,664	6,970	5,027	5,166	122,256
Laredo	5,014	4,323	3,544	7,415	9,554	10,179	8,530	6,866	4,815	4,667	5,525	4,408	74,840
Rio Grande Valley (formerly McAllen)	10,060	9,111	7,128	9,533	10,444	13,080	11,264	11,649	7,516	7,109	7,020	6,614	110,528
San Diego	10,145	7,730	6,531	13,959	17,160	18,361	14,736	13,888	10,597	8,683	10,009	10,305	142,104
Tucson	27,316	24,270	16,447	33,229	43,153	63,583	51,588	40,190	25,049	21,187	23,256	22,806	392,074
Yuma	9,428	8,913	6,884	13,743	17,117	21,231	13,034	11,087	6,029	5,446	3,123	2,514	118,549
Coastal Border	670	838	1,081	938	960	816	855	1,276	873	693	705	816	10,521
Northern Border	528	592	431	507	428	461	506	615	574	764	645	548	6,599
Southwest Border	83,557	70,975	52,673	101,195	125,046	160,696	126,538	105,450	68,366	59,641	59,751	58,084	1,071,972
Monthly Total	84,755	72,405	54,185	102,640	126,434	161,973	127,899	107,341	69,813	61,098	61,101	59,448	1,089,092

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2007

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	669	429	405	751	531	475	477	573	905	648	651	606	7,120
New Orleans	379	379	222	327	398	492	336	336	340	354	155	300	4,018
Ramey	41	61	117	39	71	37	51	48	32	13	28	10	548
Blaine	61	36	62	61	59	87	50	67	82	67	60	57	749
Buffalo	141	155	104	123	125	170	167	178	219	223	233	353	2,191
Detroit	106	99	83	77	56	83	85	76	51	52	66	68	902
Grand Forks	56	32	45	25	40	48	49	33	35	40	54	40	497
Havre	68	56	53	41	60	40	27	27	31	17	31	35	486
Houlton	7	7	4	6	12	2	3	6	5	22	6	15	95
Spokane	30	18	23	30	22	37	24	29	42	47	27	12	341
Swanton	73	78	80	75	68	75	91	105	74	101	183	116	1,119
Big Bend (formerly Marfa)	368	442	383	556	532	677	602	407	362	439	403	365	5,536
Del Rio	1,618	1,701	1,051	2,044	2,421	3,314	2,699	1,858	1,579	1,862	1,440	1,333	22,920
El Centro	4,379	3,667	3,037	4,983	5,187	7,198	6,983	5,747	3,842	3,835	3,789	3,236	55,883
El Paso	6,183	5,098	4,189	6,570	7,482	10,537	8,957	6,741	5,632	5,109	4,969	3,997	75,464
Laredo	4,286	3,810	2,890	4,678	5,855	7,673	6,428	4,928	4,595	4,338	3,858	3,375	56,714
Rio Grande Valley (formerly McAllen)	5,772	4,549	3,649	5,798	6,172	8,431	7,645	7,736	5,791	6,225	6,331	5,331	73,430
San Diego	9,494	7,764	6,591	12,489	12,997	18,044	17,999	16,136	13,283	12,941	13,312	11,410	152,460
Tucson	25,135	21,323	16,136	29,459	34,148	52,692	49,044	41,789	34,103	30,373	24,388	19,649	378,239
Yuma	3,478	3,240	2,601	5,357	4,474	5,571	4,108	3,162	2,151	1,660	1,305	885	37,992
Coastal Border	1,089	869	744	1,117	1,000	1,004	864	957	1,277	1,015	834	916	11,686
Northern Border	542	481	454	438	442	542	496	521	539	569	660	696	6,380
Southwest Border	60,713	51,594	40,527	71,934	79,268	114,137	104,465	88,504	71,338	66,782	59,795	49,581	858,638
Monthly Total	62,344	52,944	41,725	73,489	80,710	115,683	105,825	89,982	73,154	68,366	61,289	51,193	876,704

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2008

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	553	496	685	456	539	699	634	433	519	277	335	394	6,020
New Orleans	382	429	329	650	305	365	462	318	439	296	251	77	4,303
Ramey	90	40	20	52	12	55	48	33	53	28	50	91	572
Blaine	52	75	40	91	69	108	101	67	75	88	82	106	954
Buffalo	382	290	295	228	260	304	233	222	260	259	291	315	3,339
Detroit	100	63	68	79	71	95	64	113	83	73	84	68	961
Grand Forks	67	91	41	24	38	22	41	30	52	41	38	56	541
Havre	63	121	13	33	19	3	23	28	33	21	38	32	427
Houlton	15	5	2	17	2	0	5	3	1	7	14	10	81
Spokane	30	40	17	18	27	15	20	10	34	38	34	57	340
Swanton	106	126	64	74	85	87	72	92	148	195	159	74	1,282
Big Bend (formerly Marfa)	386	388	451	350	612	613	527	586	369	416	415	278	5,391
Del Rio	1,679	1,059	945	1,961	2,462	2,667	2,286	1,745	1,708	1,482	1,618	1,149	20,761
El Centro	3,230	2,412	2,000	3,839	4,095	4,604	5,090	3,860	3,161	2,726	2,995	2,949	40,961
El Paso	3,605	2,648	2,015	3,470	3,944	3,129	2,808	2,035	1,811	1,634	1,615	1,598	30,312
Laredo	3,825	2,658	1,969	3,907	5,001	5,355	4,904	3,733	3,432	3,066	3,310	2,498	43,658
Rio Grande Valley (formerly McAllen)	5,989	4,695	3,974	5,216	6,880	8,543	9,417	7,967	6,308	5,562	6,103	4,819	75,473
San Diego	9,801	9,163	7,773	12,877	15,091	18,869	20,569	16,015	12,395	13,127	13,734	12,976	162,390
Tucson	21,730	18,231	11,721	26,347	34,309	45,239	45,442	32,845	24,289	21,093	18,406	18,044	317,696
Yuma	1,094	955	954	1,061	1,089	751	523	447	381	366	345	397	8,363
Coastal Border	1,025	965	1,034	1,158	856	1,119	1,144	784	1,011	601	636	562	10,895
Northern Border	815	811	540	564	571	634	559	565	686	722	740	718	7,925
Southwest Border	51,339	42,209	31,802	59,028	73,483	89,770	91,566	69,233	53,854	49,472	48,541	44,708	705,005
Monthly Total	53,179	43,985	33,376	60,750	74,910	91,523	93,269	70,582	55,551	50,795	49,917	45,988	723,825

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2009

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	342	302	317	401	383	382	407	314	343	413	358	463	4,425
New Orleans	386	267	309	259	282	429	317	257	264	253	271	233	3,527
Ramey	114	34	27	27	21	42	26	11	50	5	58	3	418
Blaine	103	93	68	96	68	85	61	65	39	49	67	49	843
Buffalo	254	210	201	176	194	220	225	263	250	198	240	241	2,672
Detroit	120	62	63	78	118	99	97	91	80	117	122	110	1,157
Grand Forks	52	53	37	29	26	29	22	41	35	50	49	49	472
Havre	31	21	11	29	30	23	30	21	31	22	18	16	283
Houlton	1	8	13	3	0	4	4	4	2	8	4	8	59
Spokane	32	44	22	20	18	14	15	16	17	19	38	22	277
Swanton	65	80	106	36	77	71	74	111	99	125	104	95	1,043
Big Bend (formerly Marfa)	539	459	472	533	689	590	458	511	569	484	575	481	6,360
Del Rio	1,321	1,064	872	1,604	1,908	2,231	1,619	1,426	1,304	1,383	1,321	1,029	17,082
El Centro	2,619	2,176	1,691	2,969	2,904	4,141	3,314	2,955	2,811	2,449	2,767	2,725	33,521
El Paso	1,469	1,153	866	1,344	1,435	1,508	1,344	1,238	1,208	1,160	1,181	1,093	14,999
Laredo	2,709	2,465	1,932	3,970	3,718	4,538	4,168	3,722	3,283	3,512	3,671	2,881	40,569
Rio Grande Valley (formerly McAllen)	5,092	4,259	3,341	4,575	5,207	5,479	6,107	5,293	5,094	5,509	6,025	5,008	60,989
San Diego	10,036	7,954	6,552	10,246	11,678	16,472	12,618	11,000	10,278	8,655	6,743	6,489	118,721
Tucson	18,814	12,844	9,862	18,649	20,941	31,432	28,072	24,083	20,842	20,146	20,810	15,178	241,673
Yuma	339	406	359	612	731	951	793	656	655	545	429	475	6,951
Coastal Border	842	603	653	687	686	853	750	582	657	671	687	699	8,370
Northern Border	658	571	521	467	531	545	528	612	553	588	642	590	6,806
Southwest Border	42,938	32,780	25,947	44,502	49,211	67,342	58,493	50,884	46,044	43,843	43,522	35,359	540,865
Monthly Total	44,438	33,954	27,121	45,656	50,428	68,740	59,771	52,078	47,254	45,102	44,851	36,648	556,041

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2010

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	463	478	416	265	335	326	370	427	442	367	427	335	4,651
New Orleans	247	179	173	303	303	394	404	218	223	204	244	279	3,171
Ramey	41	20	10	8	23	32	40	44	25	4	94	57	398
Blaine	50	69	52	59	57	58	54	44	53	65	70	42	673
Buffalo	241	214	207	168	216	252	207	231	189	135	180	182	2,422
Detroit	168	154	157	129	126	122	110	98	128	113	165	199	1,669
Grand Forks	55	47	36	26	37	45	39	80	23	34	74	47	543
Havre	31	23	17	11	18	54	30	32	20	12	20	22	290
Houlton	3	2	0	0	0	12	5	10	6	12	6	0	56
Spokane	35	21	14	19	15	27	25	34	33	42	51	40	356
Swanton	71	101	68	58	128	132	97	136	124	233	197	77	1,422
Big Bend (formerly Marfa)	530	421	373	433	484	660	575	493	415	280	295	329	5,288
Del Rio	1,119	897	697	1,234	1,245	1,874	1,791	1,718	1,326	767	1,095	931	14,694
El Centro	2,589	2,412	2,196	2,688	2,836	4,408	3,419	3,126	2,440	2,331	2,075	2,042	32,562
El Paso	1,007	894	725	1,124	1,140	1,528	1,359	1,380	1,005	725	732	632	12,251
Laredo	2,613	2,130	1,802	2,526	3,173	4,433	4,528	3,813	3,475	1,857	2,819	2,118	35,287
Rio Grande Valley (formerly McAllen)	4,236	3,688	2,987	3,658	4,845	7,141	7,139	7,477	5,595	3,832	5,329	3,839	59,766
San Diego	5,017	4,738	4,636	6,413	6,982	9,061	7,115	5,858	5,092	5,113	4,528	4,012	68,565
Tucson	23,197	16,986	10,907	16,122	21,266	31,197	28,579	22,572	13,160	10,303	9,280	8,633	212,202
Yuma	582	649	711	586	819	1,059	732	608	447	401	262	260	7,116
Coastal Border	751	677	599	576	661	752	814	689	690	575	765	671	8,220
Northern Border	654	631	551	470	597	702	567	665	576	646	763	609	7,431
Southwest Border	40,890	32,815	25,034	34,784	42,790	61,361	55,237	47,045	32,955	25,609	26,415	22,796	447,731
Monthly Total	42,295	34,123	26,184	35,830	44,048	62,815	56,618	48,399	34,221	26,830	27,943	24,076	463,382

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2011

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	401	441	349	447	364	466	324	325	309	330	340	305	4,401
New Orleans	231	144	121	156	132	105	109	124	111	63	114	99	1,509
Ramey	55	25	59	47	44	54	46	82	42	90	38	60	642
Blaine	68	42	37	54	31	69	35	53	46	48	64	44	591
Buffalo	231	190	139	161	148	203	174	158	176	157	188	189	2,114
Detroit	177	143	110	133	121	175	118	103	110	96	126	119	1,531
Grand Forks	47	34	32	24	37	56	20	24	49	52	44	49	468
Havre	46	23	16	24	21	17	32	25	4	9	31	22	270
Houlton	4	4	0	1	1	9	1	1	10	5	2	3	41
Spokane	32	28	20	5	26	28	20	23	24	21	41	25	293
Swanton	78	74	37	67	67	50	53	53	50	121	110	55	815
Big Bend (formerly Marfa)	375	290	282	332	300	457	512	350	296	235	311	296	4,036
Del Rio	1,043	837	704	899	1,399	2,132	1,977	1,499	1,525	1,386	1,356	1,387	16,144
El Centro	2,201	1,851	1,734	2,135	2,569	3,772	3,563	3,278	2,904	2,225	2,074	1,885	30,191
El Paso	732	660	622	779	911	1,354	1,380	904	816	794	711	682	10,345
Laredo	2,286	2,174	1,797	2,285	2,943	4,686	3,891	3,168	3,205	2,913	3,262	3,443	36,053
Rio Grande Valley (formerly McAllen)	3,628	3,625	3,349	3,485	4,233	6,806	6,502	5,953	5,409	5,276	5,973	5,004	59,243
San Diego	4,344	3,480	3,233	3,379	3,977	4,811	4,031	3,474	3,109	3,016	2,863	2,730	42,447
Tucson	11,165	9,097	7,354	10,131	11,790	17,056	13,816	12,088	9,585	6,923	7,270	7,010	123,285
Yuma	391	391	354	501	664	940	579	522	317	402	346	426	5,833
Coastal Border	687	610	529	650	540	625	479	531	462	483	492	464	6,552
Northern Border	683	538	391	469	452	607	453	440	469	509	606	506	6,123
Southwest Border	26,165	22,405	19,429	23,926	28,786	42,014	36,251	31,236	27,166	23,170	24,166	22,863	327,577
Monthly Total	27,535	23,553	20,349	25,045	29,778	43,246	37,183	32,207	28,097	24,162	25,264	23,833	340,252

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2012

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	216	293	195	249	180	156	159	226	137	249	207	242	2,509
New Orleans	49	48	39	40	42	24	22	58	22	12	21	97	474
Ramey	72	100	41	51	50	68	41	39	123	41	33	43	702
Blaine	50	58	47	41	53	51	42	28	40	41	41	45	537
Buffalo	118	87	56	78	90	100	89	106	61	126	104	128	1,143
Detroit	127	109	57	62	67	95	111	67	82	67	55	51	950
Grand Forks	58	46	16	29	13	30	33	26	36	43	32	56	418
Havre	21	9	18	4	9	11	9	5	5	3	4	4	102
Houlton	0	3	2	1	0	1	2	1	7	4	9	11	41
Spokane	34	18	23	24	18	21	35	22	25	40	34	23	317
Swanton	40	43	43	26	51	48	47	52	103	120	69	60	702
Big Bend (formerly Marfa)	284	317	288	323	423	450	393	304	300	303	333	246	3,964
Del Rio	1,364	1,289	871	1,204	1,788	2,375	2,791	2,480	2,123	1,942	1,770	1,723	21,720
El Centro	1,946	1,698	1,401	1,655	2,041	2,857	2,805	2,622	2,107	1,896	1,411	1,477	23,916
El Paso	647	662	534	625	812	1,151	888	823	840	793	984	919	9,678
Laredo	2,835	2,846	1,853	3,180	3,855	5,154	5,100	4,478	4,019	3,670	4,306	3,576	44,872
Rio Grande Valley (formerly McAllen)	6,201	5,513	4,285	5,514	6,709	9,622	11,160	11,583	10,112	9,023	9,295	8,745	97,762
San Diego	2,439	2,185	2,136	2,185	2,439	3,064	2,879	2,787	2,170	2,165	2,020	1,992	28,461
Tucson	9,306	8,361	7,100	10,209	12,836	16,559	14,095	11,343	8,636	6,856	7,116	7,583	120,000
Yuma	590	497	515	819	676	986	517	546	362	330	332	330	6,500
Coastal Border	337	441	275	340	272	248	222	323	282	302	261	382	3,685
Northern Border	448	373	262	265	301	357	368	307	359	444	348	378	4,210
Southwest Border	25,612	23,368	18,983	25,714	31,579	42,218	40,628	36,966	30,669	26,978	27,567	26,591	356,873
Monthly Total	26,397	24,182	19,520	26,319	32,152	42,823	41,218	37,596	31,310	27,724	28,176	27,351	364,768

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2013

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	248	134	130	135	89	92	157	92	113	212	171	165	1,738
New Orleans	49	74	47	32	49	27	46	28	15	30	47	56	500
Ramey	24	56	45	39	107	194	11	27	99	43	164	115	924
Blaine	37	34	33	21	32	31	24	26	34	32	25	31	360
Buffalo	106	54	60	53	47	47	73	54	78	83	58	83	796
Detroit	65	58	64	58	44	50	49	43	42	67	59	51	650
Grand Forks	32	27	12	19	36	31	39	36	52	73	55	57	469
Havre	4	2	0	3	3	2	3	9	9	8	21	24	88
Houlton	15	1	0	0	1	2	2	0	7	1	3	5	37
Spokane	33	36	17	19	13	19	28	20	26	33	34	21	299
Swanton	35	21	29	17	41	50	53	57	42	72	48	66	531
Big Bend (formerly Marfa)	356	238	213	340	400	416	473	341	232	219	218	238	3,684
Del Rio	1,792	1,715	1,135	1,617	2,223	2,771	2,778	2,332	1,695	2,039	1,817	1,596	23,510
El Centro	1,527	1,408	1,101	1,103	1,340	2,098	1,972	1,513	1,222	1,035	1,056	931	16,306
El Paso	977	860	629	776	1,030	1,176	1,217	1,163	857	852	852	765	11,154
Laredo	3,829	3,537	2,835	3,280	4,628	5,903	5,621	5,338	4,029	4,212	3,944	3,593	50,749
Rio Grande Valley (formerly McAllen)	8,869	8,352	6,587	7,190	10,828	16,115	18,455	17,522	14,275	15,217	16,253	14,790	154,453
San Diego	1,922	1,924	1,795	2,150	2,227	3,062	2,833	2,854	2,324	2,313	2,069	2,023	27,496
Tucson	9,224	9,185	8,481	9,871	11,831	14,990	14,051	12,119	9,357	7,014	7,278	7,538	120,939
Yuma	433	417	467	594	535	762	812	674	445	329	310	328	6,106
Coastal Border	321	264	222	206	245	313	214	147	227	285	382	336	3,162
Northern Border	327	233	215	190	217	232	271	245	290	369	303	338	3,230
Southwest Border	28,929	27,636	23,243	26,921	35,042	47,293	48,212	43,856	34,436	33,230	33,797	31,802	414,397
Monthly Total	29,577	28,133	23,680	27,317	35,504	47,838	48,697	44,248	34,953	33,884	34,482	32,476	420,789

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2014

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	131	146	125	228	178	113	151	199	213	134	217	199	2,034
New Orleans	58	48	57	55	90	103	114	88	86	82	72	97	950
Ramey	133	120	48	79	39	79	38	86	133	77	73	53	958
Blaine	16	22	18	29	26	19	36	27	19	28	14	18	272
Buffalo	58	39	52	36	47	87	64	81	54	79	97	47	741
Detroit	48	53	51	34	55	35	40	49	86	66	70	60	647
Grand Forks	59	45	36	42	49	85	65	63	71	81	73	98	767
Havre	18	10	2	5	6	2	1	13	12	3	7	12	91
Houlton	3	4	2	3	3	1	2	13	1	4	8	1	45
Spokane	35	24	15	24	16	31	17	22	19	19	16	31	269
Swanton	44	25	45	30	21	17	31	33	57	69	64	70	506
Big Bend (formerly Marfa)	316	260	241	278	522	445	403	374	414	341	302	200	4,096
Del Rio	1,587	1,586	1,360	1,514	2,133	2,823	2,616	3,432	2,857	1,830	1,279	1,238	24,255
El Centro	1,193	1,077	987	1,126	1,365	1,502	1,441	1,353	1,203	1,250	1,095	919	14,511
El Paso	885	845	738	813	1,060	1,278	1,244	1,371	1,221	939	948	997	12,339
Laredo	3,638	3,026	2,567	2,756	3,838	5,087	5,117	4,737	3,946	3,546	2,960	2,831	44,049
Rio Grande Valley (formerly McAllen)	15,192	14,170	13,540	12,255	16,808	25,398	28,624	37,510	38,446	24,938	17,273	12,239	256,393
San Diego	2,218	2,153	2,091	2,548	2,469	3,378	3,035	2,863	2,438	2,497	2,132	2,089	29,911
Tucson	9,785	8,334	7,629	6,825	7,566	8,925	8,473	8,407	6,867	5,019	5,105	4,980	87,915
Yuma	498	445	375	553	642	760	549	636	470	348	294	332	5,902
Coastal Border	322	314	230	362	307	295	303	373	432	293	362	349	3,942
Northern Border	281	222	221	203	223	277	256	301	319	349	349	337	3,338
Southwest Border	35,312	31,896	29,528	28,668	36,403	49,596	51,502	60,683	57,862	40,708	31,388	25,825	479,371
Monthly Total	35,915	32,432	29,979	29,233	36,933	50,168	52,061	61,357	58,613	41,350	32,099	26,511	486,651

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2015

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	90	50	143	121	79	116	101	110	203	168	346	225	1,752
New Orleans	115	98	100	79	78	35	39	75	71	72	32	55	849
Ramey	55	76	32	71	12	60	44	25	39	74	9	60	557
Blaine	37	47	29	25	20	16	14	19	17	23	23	12	282
Buffalo	28	34	35	21	19	20	15	16	18	40	27	18	291
Detroit	75	68	109	42	35	30	44	36	72	32	54	40	637
Grand Forks	87	78	72	53	74	65	73	40	40	76	69	62	789
Havre	5	3	3	3	10	6	5	3	2	2	18	4	64
Houlton	1	2	8	4	6	0	3	0	0	4	2	2	32
Spokane	24	15	10	15	23	12	15	14	7	18	13	24	190
Swanton	26	23	25	6	19	27	14	16	35	39	68	43	341
Big Bend (formerly Marfa)	302	232	336	233	330	453	438	567	373	428	600	739	5,031
Del Rio	1,246	985	1,051	985	1,291	1,718	2,100	2,083	1,928	1,752	1,918	1,956	19,013
El Centro	894	842	980	902	991	1,355	1,244	1,295	1,063	1,072	1,058	1,124	12,820
El Paso	904	924	921	874	859	1,455	1,516	1,335	1,410	1,417	1,436	1,444	14,495
Laredo	3,276	2,540	2,367	2,776	2,864	3,093	3,497	3,127	2,958	3,110	3,072	3,208	35,888
Rio Grande Valley (formerly McAllen)	12,031	11,466	11,035	8,425	9,557	11,817	12,602	14,103	13,750	13,719	14,750	14,002	147,257
San Diego	2,133	1,924	2,280	2,111	2,466	2,876	2,284	2,308	2,081	1,985	1,883	1,959	26,290
Tucson	5,261	5,303	5,610	4,869	5,553	6,256	5,543	6,105	5,081	4,071	4,733	5,012	63,397
Yuma	403	425	439	339	465	768	526	653	659	834	789	842	7,142
Coastal Border	260	224	275	271	169	211	184	210	313	314	387	340	3,158
Northern Border	283	270	291	169	206	176	183	144	191	234	274	205	2,626
Southwest Border	26,450	24,641	25,019	21,514	24,376	29,791	29,750	31,576	29,303	28,388	30,239	30,286	331,333
Monthly Total	26,993	25,135	25,585	21,954	24,751	30,178	30,117	31,930	29,807	28,936	30,900	30,831	337,117

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2016

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	271	206	337	207	181	310	331	266	232	286	274	304	3,205
New Orleans	74	59	48	40	53	50	76	57	56	96	72	83	764
Ramey	21	57	64	28	68	63	61	78	72	66	43	73	694
Blaine	27	28	13	13	21	33	19	20	17	28	30	22	271
Buffalo	15	4	7	22	14	17	29	21	15	37	27	18	226
Detroit	55	38	58	35	54	61	51	78	67	64	89	66	716
Grand Forks	40	40	25	48	26	49	35	34	34	66	62	46	505
Havre	4	5	1	4	1	2	9	4	2	2	7	2	43
Houlton	6	0	1	1	2	2	2	7	1	2	1	0	25
Spokane	4	16	9	4	6	11	18	56	20	19	20	23	206
Swanton	25	13	25	10	14	26	18	14	34	35	30	47	291
Big Bend (formerly Marfa)	735	637	690	388	458	616	739	491	292	344	326	650	6,366
Del Rio	1,873	1,798	2,185	1,531	1,780	2,022	2,224	2,588	1,918	1,833	1,445	1,881	23,078
El Centro	1,214	1,239	1,253	1,061	1,342	1,775	2,097	2,000	1,719	1,669	2,047	2,032	19,448
El Paso	1,639	1,679	2,187	1,148	1,399	2,158	2,408	2,481	2,369	2,503	2,708	2,955	25,634
Laredo	3,146	3,249	2,995	2,454	2,895	3,196	3,654	3,403	2,906	2,647	2,888	3,129	36,562
Rio Grande Valley (formerly McAllen)	15,036	15,297	17,736	9,398	9,660	13,325	16,688	18,291	15,972	16,519	19,155	19,753	186,830
San Diego	2,081	2,022	2,196	2,525	2,504	3,108	3,329	3,118	2,522	2,555	2,748	3,183	31,891
Tucson	5,899	5,791	6,263	4,572	5,245	6,142	5,784	6,574	5,427	4,364	4,303	4,527	64,891
Yuma	1,101	1,126	1,509	681	789	974	1,166	1,391	1,325	1,289	1,428	1,391	14,170
Coastal Border	366	322	449	275	302	423	468	401	360	448	389	460	4,663
Northern Border	176	144	139	137	138	201	181	234	190	253	266	224	2,283
Southwest Border	32,724	32,838	37,014	23,758	26,072	33,316	38,089	40,337	34,450	33,723	37,048	39,501	408,870
Monthly Total	33,266	33,304	37,602	24,170	26,512	33,940	38,738	40,972	35,000	34,424	37,703	40,185	415,816

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2017

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	178	186	329	161	194	150	193	221	173	195	196	104	2,280
New Orleans	76	98	81	121	94	88	50	105	57	52	74	24	920
Ramey	77	41	62	99	15	15	39	17	0	8	15	0	388
Blaine	45	36	28	20	23	21	16	12	23	27	27	10	288
Buffalo	9	19	12	24	66	16	33	76	48	55	37	52	447
Detroit	64	30	34	43	71	143	119	112	118	113	132	91	1,070
Grand Forks	19	25	23	40	48	56	57	44	42	51	58	33	496
Havre	1	3	2	0	4	0	4	6	4	7	7	1	39
Houlton	5	0	0	1	0	1	0	5	1	5	8	4	30
Spokane	16	10	7	5	18	22	14	14	50	19	17	16	208
Swanton	10	22	25	19	43	43	25	41	51	63	73	34	449
Big Bend (formerly Marfa)	697	603	477	473	383	357	413	552	378	492	563	614	6,002
Del Rio	2,106	1,880	1,817	1,243	1,104	746	589	740	761	760	798	932	13,476
El Centro	2,441	1,850	1,870	1,796	1,196	871	849	1,134	1,280	1,478	1,880	1,988	18,633
El Paso	3,973	4,105	3,948	2,779	1,575	978	906	1,032	1,180	1,395	1,782	1,540	25,193
Laredo	3,350	3,194	2,460	2,265	1,710	1,256	1,304	1,722	1,839	2,120	2,143	2,097	25,460
Rio Grande Valley (formerly McAllen)	22,642	24,686	23,418	15,580	7,855	4,147	3,942	4,882	5,817	7,107	8,650	8,836	137,562
San Diego	2,934	2,947	3,099	2,927	1,808	1,356	1,392	1,724	1,652	1,764	2,241	2,242	26,086
Tucson	5,924	5,912	4,303	3,357	2,589	2,148	1,487	2,199	2,632	2,177	2,913	3,016	38,657
Yuma	2,117	2,034	1,859	1,156	534	336	245	534	548	894	1,318	1,272	12,847
Coastal Border	331	325	472	381	303	253	282	343	230	255	285	128	3,588
Northern Border	169	145	131	152	273	302	268	310	337	340	359	241	3,027
Southwest Border	46,184	47,211	43,251	31,576	18,754	12,195	11,127	14,519	16,087	18,187	22,288	22,537	303,916
Monthly Total	46,684	47,681	43,854	32,109	19,330	12,750	11,677	15,172	16,654	18,782	22,932	22,906	310,531

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2018

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Livermore*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Miami	196	168	164	189	189	202	205	172	130	244	173	137	2,169
New Orleans	46	62	27	86	63	54	63	35	115	43	102	102	798
Ramey	7	17	14	77	18	21	9	36	5	20	53	3	280
Blaine	19	22	22	15	10	54	40	35	27	22	43	50	359
Buffalo	48	23	17	25	16	29	32	46	55	33	28	32	384
Detroit	119	150	86	193	159	175	166	158	280	168	127	149	1,930
Grand Forks	48	40	38	21	30	41	31	41	38	41	55	37	461
Havre	10	13	2	0	2	1	1	0	6	4	6	2	47
Houlton	0	2	5	3	3	6	9	3	4	6	3	8	52
Spokane	30	16	17	22	19	36	27	32	29	39	52	28	347
Swanton	28	29	32	30	47	66	36	66	105	92	67	138	736
Big Bend (formerly Marfa)	819	828	802	543	838	703	808	743	375	456	585	545	8,045
Del Rio	1,046	1,186	1,113	1,083	1,306	1,466	1,451	1,486	1,462	1,365	1,506	1,363	15,833
El Centro	2,194	2,123	2,110	2,052	1,954	2,697	2,790	2,683	2,327	2,531	2,821	2,948	29,230
El Paso	1,489	1,647	1,713	1,607	1,737	2,782	2,671	3,510	3,560	2,890	3,585	4,370	31,561
Laredo	2,451	2,283	1,982	2,296	2,671	3,652	3,370	3,210	2,586	2,600	2,785	2,755	32,641
Rio Grande Valley (formerly McAllen)	9,722	11,726	11,668	9,484	9,611	14,140	15,993	17,491	14,703	13,238	16,744	17,742	162,262
San Diego	2,377	2,760	2,764	3,171	3,107	4,101	3,644	3,418	3,014	3,098	3,507	3,630	38,591
Tucson	3,854	4,562	4,400	3,925	3,824	5,785	5,012	4,760	4,146	3,241	3,627	5,036	52,172
Yuma	1,536	1,970	2,443	1,814	1,618	2,064	2,504	3,038	1,916	1,880	2,364	3,097	26,244
Coastal Border	249	247	205	352	270	277	277	243	250	307	328	242	3,247
Northern Border	302	295	219	309	286	408	342	381	544	405	381	444	4,316
Southwest Border	25,488	29,085	28,995	25,975	26,666	37,390	38,243	40,339	34,089	31,299	37,524	41,486	396,579
Monthly Total	26,039	29,627	29,419	26,636	27,222	38,075	38,862	40,963	34,883	32,011	38,233	42,172	404,142

*Livermore Sector was closed after FY 2004



United States Border Patrol

Total Illegal Alien Apprehensions By Month - FY 2019

SECTOR	October	November	December	January	February	March	April	May	June	July	August	September	Yearly Total
Miami	201	136	149	172	111	184	191	163	140	165	179	100	1,891
New Orleans	74	82	60	100	101	94	132	105	100	87	105	92	1,132
Ramey	21	26	36	32	20	61	15	64	78	27	106	76	562
Blaine	53	35	48	41	41	54	35	27	53	49	38	50	524
Buffalo	40	29	19	26	27	43	33	18	55	93	123	31	537
Detroit	188	107	119	107	115	118	102	114	95	79	80	98	1,322
Grand Forks	24	28	29	20	24	36	48	41	43	31	41	47	412
Havre	7	7	5	8	0	5	7	3	8	14	5	8	77
Houlton	2	3	2	0	0	4	1	0	4	19	8	9	52
Spokane	38	41	23	57	42	52	37	46	11	19	30	32	428
Swanton	148	68	79	40	58	109	73	104	87	91	80	119	1,056
Big Bend	555	448	621	588	845	942	941	1,557	628	799	922	791	9,637
Del Rio	2,002	2,088	2,024	2,524	4,013	5,563	5,848	8,563	8,085	6,686	5,297	4,576	57,269
El Centro	3,242	3,189	2,718	2,461	3,319	3,561	3,386	3,482	2,885	2,214	2,327	2,354	35,138
El Paso	7,334	8,867	9,450	9,137	14,171	22,224	27,073	38,637	18,882	11,594	8,078	6,696	182,143
Laredo	3,448	2,669	2,059	2,632	3,123	4,192	3,975	4,115	3,819	2,686	2,421	3,239	38,378
Rio Grande Valley	20,755	20,713	18,372	17,713	25,366	33,763	36,727	49,821	43,207	36,854	22,355	13,489	339,135
San Diego	4,227	4,577	5,816	4,122	5,448	6,881	6,197	5,882	4,684	3,458	3,321	3,436	58,049
Tucson	5,828	5,062	4,912	4,096	4,911	7,257	5,921	6,875	5,517	4,129	4,080	4,902	63,490
Yuma	3,614	4,244	4,779	4,706	5,687	8,450	9,205	13,924	7,195	3,558	1,883	1,024	68,269
Coastal Border	296	244	245	304	232	339	338	332	318	279	390	268	3,585
Northern Border	500	318	324	299	307	421	336	353	356	395	405	394	4,408
Southwest Border	51,005	51,857	50,751	47,979	66,883	92,833	99,273	132,856	94,902	71,978	50,684	40,507	851,508
Monthly Total	51,801	52,419	51,320	48,582	67,422	93,593	99,947	133,541	95,576	72,652	51,479	41,169	859,501

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Migrants freed without court notice — sometimes no paperwork

By ELLIOT SPAGAT 2 hours ago



MISSION, Texas (AP) — Overwhelmed and underprepared, U.S. authorities are releasing migrant families on the Mexican border without notices to appear in immigration court or sometimes without any paperwork at all — time-saving moves that have left some migrants confused.

The rapid releases ease pressure on the Border Patrol and its badly overcrowded holding facilities but shifts work to Immigration and Customs and Enforcement, the agency that enforces immigration laws within the United States. Families are released with booking

AR02195

records; only parents are photographed and fingerprinted.

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The Border Patrol began the unusual practice last week in Texas' Rio Grande Valley, which has seen the biggest increase in the number of migrant families and unaccompanied minors crossing the border. Last week, the agency added instructions to report to an ICE office within 60 days to adults' booking documents.

But some got no documents at all, including dozens at Our Lady of Guadalupe Catholic Church in the Texas border city of Mission, where about 100 migrants released by U.S. authorities had been arriving each night to sleep on mats in classrooms in a shuttered elementary school.

Carlos Enrique Linga, 27, waited at the shelter for a week without documents along with his 5-year-old daughter, hoping to join a friend in Tennessee. His wife is still in Guatemala with their 2-year-old twin daughters and a 3-month-old.

Linga was unwilling to leave the shelter until he got documents and was asking Catholic Charities of Rio Grande Valley for help.

“We hope they can help with our papers so that we can move on, work and send (money) to my family,” said Linga, whose home in Guatemala was destroyed by storms in November. “The church has told us that there are mistakes sometimes. Because there are so many people, they forget.”

Customs and Border Protection, which oversees the Border Patrol, said it stopped issuing court notices in some cases because preparing even one of the documents often takes hours. Migrants undergo background checks and are tested for COVID-19.

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The agency didn't answer questions about how many migrants have been released without court notices or without documents at all.

Sister Norma Pimentel, executive director of Catholic Charities of Rio Grande Valley, knows of 10 to 15 families released without any paperwork since last week, an issue that has cropped up before when there are large increases in new arrivals.

"It's a problem, it's a situation we need to resolve, to make sure we follow up," she said.

Migrants will be issued notices to appear in court at their 60-day check-ins with ICE, according to a U.S. official with direct knowledge of the plans who spoke on condition of anonymity because the plans have not been made public. It is unclear how widespread the practice has been, but it is very common in Rio Grande Valley, the busiest corridor for illegal crossings.

Preparing a court appearance notice can take an hour to 90 minutes, said Chris Cabrera, spokesman for the National Border Patrol Council, a union that represents agents. He welcomed the change.

"Honestly, from my end, I think it's good because it's less paperwork for our guys," said Cabrera, who works in the Rio Grande Valley.

An uptick in the number of people crossing the border, especially children traveling alone and families, has filled up federal holding facilities. The U.S. has been releasing families with children 6 and under and expelling families with older children under pandemic-related powers that deny an opportunity to seek asylum.

Immigration attorneys had mixed reactions to people being released without court notices or

AR02098

paperwork, particularly the requirement to check in with ICE. They advise migrants to apply for a different route to asylum — one that's only for people already in the country. In that option, they meet a Citizenship and Immigration Services asylum officer in a less adversarial environment and if denied, can appeal to an immigration judge, advocates say.

“It's a whole different tone,” said Charlene D'Cruz, director of Lawyers for Good Government's Project Corazon legal aid program. And if they fail, they get “a second bite at the apple” before a judge.

Initially, U.S. authorities didn't even require the ICE check-in when it began releasing families without court notices over the past two weeks. But they shifted course. D'Cruz said ICE could potentially issue a notice to appear in court, expel people from the country or do nothing.

“There are so many different options, and I don't know what's going to happen,” D'Cruz said.

The immigration courts, with a backlog of 1.3 million cases, is ill-prepared for a large increase in new asylum claims.

At the shelter in Mission, a city of about 85,000 people bordering Mexico with a large park known for birdlife, migrants who have booking records closely guarded them. Along with their proof of a COVID-19 test, the documents are kept in large yellow envelopes that say, “Please help me. I do not speak English.”

Information on the booking form is sparse: name, nationality, gender, date of birth. Some forms say they are eligible for “prosecutorial discretion,” a designation that signals they are not a priority for deportation.

Jose Sansario waited at the shelter for a week after coming from Guatemala with his wife, Kimberly, and their 3-year-old daughter, Genesee. They had difficulty finding flights to Richmond, Virginia, their final destination.

They left their homeland in early March because a gang threatened to kill him if he didn't hand over money from his auto repair business. He said he heard the Biden administration was friendly to immigrants, despite repeated statements from the president and top aides that the border is not open.

“We didn't know what was true, but we had faith — faith that God would help us and that faith would allow us in,” Sansario said.

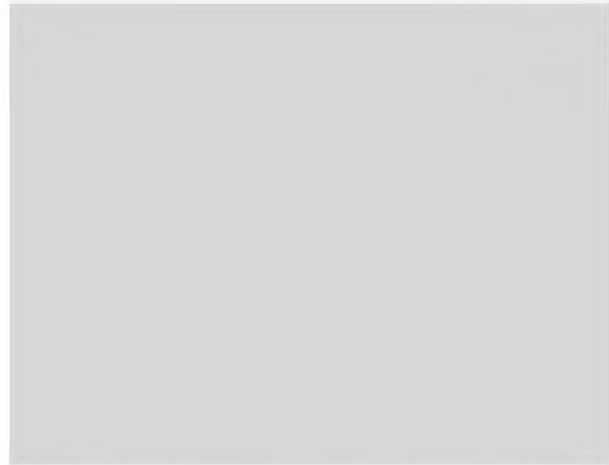
Alba Urquia of El Salvador waited for a week at the shelter because she was released without any documents after crossing the Rio Grande with a large group of migrants, including her 4-

year-old daughter. She plans to help her father with his car repair shop in Los Angeles.

“I can’t leave,” she said, sitting on a bench in the shuttered school’s playground. The shelter has since closed. “Our fear is that they return us to Mexico or to our country.”

“That would be a nightmare,” said Alexi Sarmiento of Honduras, who came to the U.S. with her 6- and 9-year-old daughters and was released without documents.

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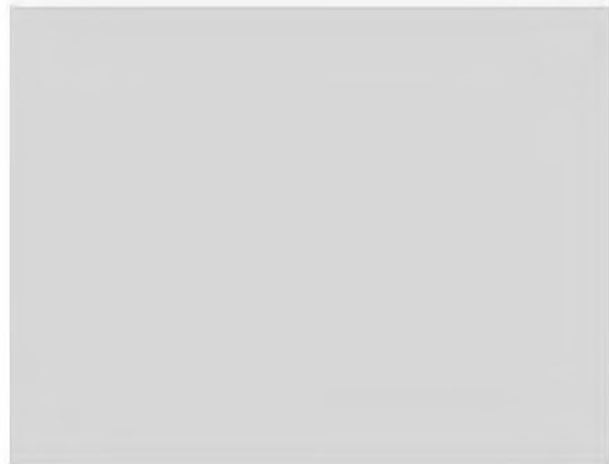
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF WYATT SULING

NPR Article dated March 23, 2021
 “Ex-DHS Chief Says Biden Was Warned About Dismantling Trump’s Border Policies”

EXHIBIT A-10

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Chad Wolf: Biden Was Warned About Revoking Trump Border Policy Former acting Homeland Security Secretary Chad Wolf says the Biden administration did not heed advice from the former administration about preventing an influx of migrants at the southern border.



Ex-DHS Chief Says Biden Was Warned About Dismantling Trump's Border Policies

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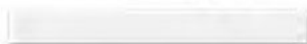


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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

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JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

§ § § § § § § § § § § §

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

VOLUME II OF II

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NORTHERN DISTRICT OF TEXAS
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THE STATE OF TEXAS and

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V.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF RYAN D. WALTERS

EXHIBIT B

	(MPP), https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf
3	Memorandum of Understanding between the U.S. Department of Homeland Security and the State of Texas
4	U.S. Customs and Border Protection Custody and Transfer Statistics FY2021, which is publicly available at U.S. Customs and Border Protection, <i>Custody and Transfer Statistics FY2021</i> , Office of Field Operations - Dispositions and Transfers, https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics
5	U.S. Customs and Immigration Services Description of Parole, which is publicly available at USCIS, <i>Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States</i> , “What is Parole?” (Mar. 31, 2021), https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states .
6	U.S. Department of Homeland Security’s Letter to Texas Attorney General Ken Paxton
7	Texas Department of Public Safety Texas Criminal Illegal Alien Data
8	U.S. Census Bureau Table – Geographic Mobility by Citizenship Status
9	Foreign-Born Population in Texas: Sources of Growth
10	Gone to Texas

3. The exhibits listed above are true and correct copies of what they purport to be.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2021

/s/ Ryan D. Walters
Ryan D. Walters

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2021, I electronically filed the foregoing document through the Court’s ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ Ryan D. Walters
Ryan D. Walters

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

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U.S. Dept. of Homeland Security Migrant Protection Protocols Website

EXHIBIT B-1



U.S. Department of
Homeland Security

Archived Content

In an effort to keep DHS.gov current, the archive contains outdated information that may not reflect current policy or programs.

Migrant Protection Protocols

Release Date: January 24, 2019

"We have implemented an unprecedented action that will address the urgent humanitarian and security crisis at the Southern border. This humanitarian approach will help to end the exploitation of our generous immigration laws. The Migrant Protection Protocols represent a methodical commonsense approach, exercising long-standing statutory authority to help address the crisis at our Southern border." – Secretary of Homeland Security Kirstjen M. Nielsen

What Are the Migrant Protection Protocols?

The Migrant Protection Protocols (MPP) are a U.S. Government action whereby certain foreign individuals entering or seeking admission to the U.S. from Mexico – illegally or without proper documentation – may be returned to Mexico and wait outside of the U.S. for the duration of their immigration proceedings, where Mexico will provide them with all appropriate humanitarian protections for the duration of their stay.

Why is DHS Instituting MPP?

The U.S. is facing a security and humanitarian crisis on the Southern border. The Department of Homeland Security (DHS) is using all appropriate resources and authorities to address the crisis and execute our missions to secure the borders, enforce immigration and customs laws,

MPP will help restore a safe and orderly immigration process, decrease the number of those taking advantage of the immigration system, and the ability of smugglers and traffickers to prey on vulnerable populations, and reduce threats to life, national security, and public safety, while ensuring that vulnerable populations receive the protections they need.

Historically, illegal aliens to the U.S. were predominantly single adult males from Mexico who were generally removed within 48 hours if they had no legal right to stay; now over 60% are family units and unaccompanied children and 60% are non-Mexican. In FY17, CBP apprehended 94,285 family units from Honduras, Guatemala, and El Salvador (Northern Triangle) at the Southern border. Of those, 99% remain in the country today.

Misguided court decisions and outdated laws have made it easier for illegal aliens to enter and remain in the U.S. if they are adults who arrive with children, unaccompanied alien children, or individuals who fraudulently claim asylum. As a result, DHS continues to see huge numbers of illegal migrants and a dramatic shift in the demographics of aliens traveling to the border, both in terms of nationality and type of aliens- from a demographic who could be quickly removed when they had no legal right to stay to one that cannot be detained and timely removed.

In October, November, and December of 2018, DHS encountered an average of 2,000 illegal and inadmissible aliens a day at the Southern border. While not an all-time high in terms of overall numbers, record increases in particular types of migrants, such as family units, travelling to the border who require significantly more resources to detain and remove (when our courts and laws even allow that), have overwhelmed the U.S. immigration system, leading to a “system” that enables smugglers and traffickers to flourish and often leaves aliens in limbo for years. This has been a prime cause of our near-800,000 case backlog in immigration courts and delivers no consequences to aliens who have entered illegally.

Smugglers and traffickers are also using outdated laws to entice migrants to undertake the dangerous journey north where on the route migrants report high rates of abuse, violence, and sexual assault. Human smugglers and traffickers exploit migrants and seek to turn human misery into profit. Transnational criminal organizations and gangs are also deliberately exploiting the situation to bring drugs, violence, and illicit goods into American communities. The activities of these smugglers, traffickers, gangs and criminals endanger the security of the U.S., as well as partner nations in the region.

The situation has had severe impacts on U.S. border security and immigration operations. The dramatic increase in illegal migration, including unprecedented number of families and

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fraudulent asylum claims is making it harder for the U.S. to devote appropriate resources to individuals who are legitimately fleeing persecution. In fact, approximately 9 out of 10 asylum claims from Northern Triangle countries are ultimately found non-meritorious by federal immigration judges. Because of the court backlog and the impact of outdated laws and misguided court decisions, many of these individuals have disappeared into the country before a judge denies their claim and simply become fugitives.

The MPP will provide a safer and more orderly process that will discourage individuals from attempting illegal entry and making false claims to stay in the U.S., and allow more resources to be dedicated to individuals who legitimately qualify for asylum.

What Gives DHS the Authority to Implement MPP?

Section 235 of the Immigration and Nationality Act (INA) addresses the inspection of aliens seeking to be admitted into the U.S. and provides specific procedures regarding the treatment of those not clearly entitled to admission, including those who apply for asylum. Section 235(b)(2)(C) provides that “in the case of an alien . . . who is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the U.S.,” the Secretary of Homeland Security “may return the alien to that territory pending a [removal] proceeding under § 240” of the INA.” The U.S. has notified the Government of Mexico that it is implementing these procedures under U.S. law.

Who is Subject to MPP?

With certain exceptions, MPP applies to aliens arriving in the U.S. on land from Mexico (including those apprehended along the border) who are not clearly admissible and who are placed in removal proceedings under INA § 240. This includes aliens who claim a fear of return to Mexico at any point during apprehension, processing, or such proceedings, but who have been assessed not to be more likely than not to face persecution or torture in Mexico. Unaccompanied alien children and aliens in expedited removal proceedings will not be subject to MPP. Other individuals from vulnerable populations may be excluded on a case-by-case basis.

How Will MPP Work Operationally?

Certain aliens attempting to enter the U.S. illegally or without documentation, including those who claim asylum, will no longer be released into the country, where they often fail to file an

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asylum application and/or disappear before an immigration judge can determine the merits of any claim. Instead, these aliens will be given a “Notice to Appear” for their immigration court hearing and will be returned to Mexico until their hearing date.

While aliens await their hearings in Mexico, the Mexican government has made its own determination to provide such individuals the ability to stay in Mexico, under applicable protection based on the type of status given to them.

Aliens who need to return to the U.S. to attend their immigration court hearings will be allowed to enter and attend those hearings. Aliens whose claims are found meritorious by an immigration judge will be allowed to remain in the U.S. Those determined to be without valid claims will be removed from the U.S. to their country of nationality or citizenship.

DHS is working closely with the U.S. Department of Justice’s Executive Office for Immigration Review to streamline the process and conclude removal proceedings as expeditiously as possible.

Will Migrants in MPP Have Access to Counsel?

Consistent with the law, aliens in removal proceedings can use counsel of their choosing at no expense to the U.S. Government. Aliens subject to MPP will be afforded the same right and provided with a list of legal services providers in the area which offer services at little or no expense to the migrant.

What Are the Anticipated Benefits of MPP?

Every month, tens of thousands of individuals arrive unlawfully at the Southern Border. MPP will reduce the number of aliens taking advantage of U.S. law and discourage false asylum claims. Aliens will not be permitted to disappear into the U.S. before a court issues a final decision on whether they will be admitted and provided protection under U.S. law. Instead, they will await a determination in Mexico and receive appropriate humanitarian protections there. This will allow DHS to more effectively assist legitimate asylum-seekers and individuals fleeing persecution, as migrants with non-meritorious or even fraudulent claims will no longer have an incentive for making the journey. Moreover, MPP will reduce the extraordinary strain on our border security and immigration system, freeing up personnel and resources to better protect our sovereignty and the rule of law by restoring integrity to the American immigration system.

Additional Information

- Secretary Nielsen Implementation Memo (/publication/policy-guidance-implementation-migrant-protection-protocols) (January 25, 2019, PDF)

Topics: Border Security (/topics/border-security), Immigration and Customs Enforcement (/topics/immigration-enforcement).

Keywords: Border Security (/keywords/border-security), Immigration Enforcement (/keywords/immigration-enforcement), Migrant Protection Protocols (MPP) (/keywords/migrant-protection-protocols-mpp), Southwest Border (/keywords/southwest-border).

Last Published Date: January 24, 2019

**UNITED STATES DISTRICT COURT
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AMARILLO DIVISION**

THE STATE OF TEXAS and

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DECLARATION OF RYAN D. WALTERS

Assessment of the Migrant Protection Protocols (Oct. 28, 2019)

EXHIBIT B-2

Assessment of the Migrant Protection Protocols (MPP) October 28, 2019

I. Overview and Legal Basis

The Department of Homeland Security (DHS) remains committed to using all available tools to address the unprecedented security and humanitarian crisis at the southern border of the United States.

- At peak of the crisis in May 2019, there were more than 4,800 aliens crossing the border daily—representing an average of more than *three apprehensions per minute*.
- The law provides for mandatory detention of aliens who unlawfully enter the United States between ports of entry if they are placed in expedited removal proceedings. However, resource constraints during the crisis, as well as other court-ordered limitations on the ability to detain individuals, made many releases inevitable, particularly for aliens who were processed as members of family units.

Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) authorizes the Department of Homeland Security to return certain applicants for admission to the contiguous country from which they are arriving on land (whether or not at a designated port of entry), pending removal proceedings under INA § 240.

- Consistent with this express statutory authority, DHS began implementing the Migrant Protection Protocols (MPP) and returning aliens subject to INA § 235(b)(2)(C) to Mexico, in January 2019.
- Under MPP, certain aliens who are nationals and citizens of countries other than Mexico (third-country nationals) arriving in the United States by land from Mexico who are not admissible may be returned to Mexico for the duration of their immigration proceedings.

The U.S. government initiated MPP pursuant to U.S. law, but has implemented and expanded the program through ongoing discussions, and in close coordination, with the Government of Mexico (GOM).

- MPP is a core component of U.S. foreign relations and bilateral cooperation with GOM to address the migration crisis across the shared U.S.-Mexico border.
- MPP expansion was among the key “meaningful and unprecedented steps” undertaken by GOM “to help curb the flow of illegal immigration to the U.S. border since the launch of the U.S.-Mexico Declaration in Washington on June 7, 2019.”¹

¹ <https://www.whitehouse.gov/briefings-statements/readout-vice-president-mike-pences-meeting-mexican-foreign-secretary-marcelo-ebrard/>

- On September 10, 2019, Vice President Pence and Foreign Minister Ebrard “agree[d] to implement the Migrant Protection Protocols to the fullest extent possible.”²
- Therefore, disruption of MPP would adversely impact U.S. foreign relations—along with the U.S. government’s ability to effectively address the border security and humanitarian crisis that constitutes an ongoing national emergency.³

II. MPP Has Demonstrated Operational Effectiveness

In the past nine months—following a phased implementation, and in close coordination with GOM—DHS has returned more than 55,000 aliens to Mexico under MPP. MPP has been an indispensable tool in addressing the ongoing crisis at the southern border and restoring integrity to the immigration system.

Apprehensions of Illegal Aliens are Decreasing

- Since a recent peak of more than 144,000 in May 2019, total enforcement actions—representing the number of aliens apprehended between points of entry or found inadmissible at ports of entry—have decreased by 64%, through September 2019.
- Border encounters with Central American families—who were the main driver of the crisis and comprise a majority of MPP-amenable aliens—have decreased by approximately 80%.
- Although MPP is one among many tools that DHS has employed in response to the border crisis, DHS has observed a connection between MPP implementation and decreasing enforcement actions at the border—including a rapid and substantial decline in apprehensions in those areas where the most amenable aliens have been processed and returned to Mexico pursuant to MPP.

MPP is Restoring Integrity to the System

- Individuals returned to Mexico pursuant to MPP are now at various stages of their immigration proceedings: some are awaiting their first hearing; some have completed their first hearing and are awaiting their individual hearing; some have received an order of removal from an immigration judge and are now pursuing an appeal; some have established a fear of return to Mexico and are awaiting their proceedings in the United States; some have been removed to their home countries; and some have withdrawn claims and elected to voluntarily return to their home countries.

² <https://www.whitehouse.gov/briefings-statements/readout-vice-president-mike-pences-meeting-mexican-foreign-secretary-marcelo-ebrard/>

³ <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/>

- MPP returnees with meritorious claims can be granted relief or protection within months, rather than remaining in limbo for years while awaiting immigration court proceedings in the United States.
 - The United States committed to GOM to minimize the time that migrants wait in Mexico for their immigration proceedings. Specifically, the Department of Justice (DOJ) agreed to treat MPP cases such as detained cases such that they are prioritized according to longstanding guidance for such cases.
 - The first three locations for MPP implementation—San Diego, Calexico, and El Paso—were chosen because of their close proximity to existing immigration courts.
 - After the June 7, 2019, Joint Declaration between GOM and the United States providing for expansion of MPP through bilateral cooperation, DHS erected temporary, dedicated MPP hearing locations at ports of entry in Laredo and Brownsville, in coordination with DOJ, at a total six-month construction and operation cost of approximately \$70 million.
 - Individuals processed in MPP receive initial court hearings within two to four months, and—as of October 21, 2019—almost 13,000 cases had been completed at the immigration court level.
 - A small subset of completed cases have resulted in grants of relief or protection, demonstrating that MPP returnees with meritorious claims can receive asylum, or any relief or protection for which they are eligible, more quickly via MPP than under available alternatives.
 - Individuals not processed under MPP generally must wait years for adjudication of their claims. There are approximately one million pending cases in DOJ immigration courts. Assuming the immigration courts received no new cases and completed existing cases at a pace of 30,000 per month—it would take several years, until approximately the end of 2022, to clear the existing backlog.
- MPP returnees who do not qualify for relief or protection are being quickly removed from the United States. Moreover, aliens without meritorious claims—which no longer constitute a free ticket into the United States—are beginning to voluntarily return home.
 - According to CBP estimates, approximately 20,000 people are sheltered in northern Mexico, near the U.S. border, awaiting entry to the United States. This number—along with the growing participation in an Assisted Voluntary Return (AVR) program operated by the International Organization for Migration (IOM), as described in more detail below—suggests that a significant proportion of the 55,000+ MPP returnees have chosen to abandon their claims.

III. Both Governments Endeavor to Provide Safety and Security for Migrants

- The Government of Mexico (GOM) has publicly committed to protecting migrants.
 - A December 20, 2018, GOM statement indicated that “Mexico will guarantee that foreigners who have received their notice fully enjoy the rights and freedoms recognized in the Constitution, in the international treaties to which the Mexican State is a party, as well as in the current Migration Law. They will be entitled to equal treatment without any discrimination and due respect to their human rights, as well as the opportunity to apply for a work permit in exchange for remuneration, which will allow them to meet their basic needs.”
 - Consistent with its commitments, GOM has accepted the return of aliens amenable to MPP. DHS understands that MPP returnees in Mexico are provided access to humanitarian care and assistance, food and housing, work permits, and education.
 - GOM has launched an unprecedented enforcement effort bringing to justice transnational criminal organizations (TCOs) who prey on migrants transiting through Mexico—enhancing the safety of all individuals, including MPP-amenable aliens.
 - As a G-20 country with many of its 32 states enjoying low unemployment and crime, Mexico’s commitment should be taken in good faith by the United States and other stakeholders. Should GOM identify any requests for additional assistance, the United States is prepared to assist.
- Furthermore, the U.S. government is partnering with international organizations offering services to migrants in cities near Mexico’s northern border.
 - In September 2019, the U.S. Department of State Bureau of Population, Refugees, and Migration (PRM) funded a \$5.5 million project by IOM to provide shelter in cities along Mexico’s northern border to approximately 8,000 vulnerable third-country asylum seekers, victims of trafficking, and victims of violent crime in cities along Mexico’s northern border.
 - In late September 2019, PRM provided \$11.9 million to IOM to provide cash-based assistance for migrants seeking to move out of shelters and into more sustainable living.
- The U.S. Government is also supporting options for those individuals who wish to voluntarily withdraw their claims and receive free transportation home. Since November 2018, IOM has operated its AVR program from hubs within Mexico and Guatemala, including Tijuana and Ciudad Juarez. PRM has provided \$5 million to IOM to expand that program to Matamoros and Nuevo Laredo and expand operations in other Mexican

northern border cities. As of mid-October, almost 900 aliens in MPP have participated in the AVR program.

- The United States' ongoing engagement with Mexico is part of a larger framework of regional collaboration. Just as United Nations High Commissioner for Refugees has called for international cooperation to face the serious challenges in responding to large-scale movement of migrants and asylum-seekers travelling by dangerous and irregular means, the U.S. Government has worked with Guatemala, El Salvador, and Honduras to form partnerships on asylum cooperation (which includes capacity-building assistance), training and capacity building for border security operations, biometrics data sharing and increasing access to H-2A and H-2B visas for lawful access to the United States.

IV. Screening Protocols Appropriately Assess Fear of Persecution or Torture

- When a third-country alien states that he or she has a fear of persecution or torture in Mexico, or a fear of return to Mexico, the alien is referred to U.S. Citizenship & Immigration Services (USCIS). Upon referral, USCIS conducts an MPP fear-assessment interview to determine whether it is more likely than not that the alien will be subject to torture or persecution on account of a protected ground if returned to Mexico.
 - MPP fear assessments are conducted consistent with U.S. law implementing the *non-refoulement* obligations imposed on the United States by certain international agreements and inform whether an alien is processed under—or remains—in MPP.
 - As used here, “persecution” and “torture” have specific international and domestic legal meanings distinct from fear for personal safety.
- Fear screenings are a well-established part of MPP. As of October 15, 2019, USCIS completed over 7,400 screenings to assess a fear of return to Mexico.
 - That number included individuals who express a fear upon initial encounter, as well as those who express a fear of return to Mexico at any subsequent point in their immigration proceedings, including some individuals who have made multiple claims.
 - Of those, approximately 13% have received positive determinations and 86% have received negative determinations.
 - Thus, the vast majority of those third-country aliens who express fear of return to Mexico are not found to be more likely than not to be tortured or persecuted on account of a protected ground there. This result is unsurprising, not least because aliens amenable to MPP voluntarily entered Mexico en route to the United States.

V. Summary and Conclusion

In recent years, only about 15% of Central American nationals making asylum claims have been granted relief or protection by an immigration judge. Similarly, affirmative asylum grant rates for nationals of Guatemala, El Salvador, and Honduras were approximately 21% in Fiscal Year 2019. At the same time, there are—as noted above—over one million pending cases in DOJ immigration courts, in addition to several hundred thousand asylum cases pending with USCIS.

These unprecedented backlogs have strained DHS resources and challenged its ability to effectively execute the laws passed by Congress and deliver appropriate immigration consequences: those with meritorious claims can wait years for protection or relief, and those with non-meritorious claims often remain in the country for lengthy periods of time.

This broken system has created perverse incentives, with damaging and far-reaching consequences for both the United States and its regional partners. In Fiscal Year 2019, certain regions in Guatemala and Honduras saw 2.5% of their population migrate to the United States, which is an unsustainable loss for these countries.

MPP is one among several tools DHS has employed effectively to reduce the incentive for aliens to assert claims for relief or protection, many of which may be meritless, as a means to enter the United States to live and work during the pendency of multi-year immigration proceedings. Even more importantly, MPP also provides an opportunity for those entitled to relief to obtain it within a matter of months. MPP, therefore, is a cornerstone of DHS's ongoing efforts to restore integrity to the immigration system—and of the United States' agreement with Mexico to address the crisis at our shared border.

Appendix A: Additional Analysis of MPP Fear-Assessment Protocol

U.S. Citizenship and Immigration Services (USCIS) strongly believes that if DHS were to change its fear-assessment protocol to affirmatively ask an alien amenable to MPP whether he or she fears return to Mexico, the number of fraudulent or meritless fear claims will significantly increase. This prediction is, in large part, informed by USCIS's experience conducting credible fear screenings for aliens subject to expedited removal. Credible fear screenings occur when an alien is placed into expedited removal under section 235(b)(1) of the Immigration and Nationality Act – a streamlined removal mechanism enacted by Congress to allow for prompt removal of aliens who lack valid entry documents or who attempt to enter the United States by fraud – and the alien expresses a fear of return to his or her home country or requests asylum. Under current expedited removal protocol, the examining immigration officer – generally U.S. Customs and Border Protection officers at a port of entry or Border Patrol agents – read four questions, included on Form I-867B, to affirmatively ask each alien subject to expedited removal whether the alien has a fear of return to his or her country of origin.⁴

The percentage of aliens subject to expedited removal who claimed a fear of return or requested asylum was once quite modest. However, over time, seeking asylum has become nearly a default tactic used by undocumented aliens to secure their release into the United States. For example, in 2006, of the 104,440 aliens subjected to expedited removal, only 5% (5,338 aliens) were referred for a credible fear interview with USCIS. In contrast, 234,591 aliens were subjected to expedited removal in 2018, but 42% (or 99,035) were referred to USCIS for a credible fear interview, significantly straining USCIS resources.

Table A1: Aliens Subject to Expedited Removal and Share Making Fear Claims, FY 2006 - 2018

Fiscal Year	Subjected to Expedited Removal	Referred for a Credible Fear Interview	Percentage Referred for Credible Fear
2006	104,440	5,338	5%
2007	100,992	5,252	5%
2008	117,624	4,995	4%
2009	111,589	5,369	5%
2010	119,876	8,959	7%
2011	137,134	11,217	8%
2012	188,187	13,880	7%
2013	241,442	36,035	15%
2014	240,908	51,001	21%
2015	192,120	48,052	25%
2016	243,494	94,048	39%
2017	178,129	78,564	44%
2018	234,591	99,035	42%

⁴ See 8 C.F.R. § 235.3(b)(2).

Transitioning to an affirmative fear questioning model for MPP-amenable aliens would likely result in a similar increase. Once it becomes known that answering “yes” to a question can prevent prompt return to Mexico under MPP, DHS would experience a rise in fear claims similar to the expedited removal/credible fear process. And, affirmatively drawing out this information from aliens rather than reasonably expecting them to come forward on their own initiative could well increase the meritless fear claims made by MPP-amenable aliens.

It also bears emphasis that relatively small proportions of aliens who make fear claims ultimately are granted asylum or another form of relief from removal. Table A2 describes asylum outcomes for aliens apprehended or found inadmissible on the Southwest Border in fiscal years 2013 – 2018. Of the 416 thousand aliens making fear claims during that six-year period, 311 thousand (75 percent) had positive fear determinations, but only 21 thousand (7 percent of positive fear determinations) had been granted asylum or another form of relief from removal as of March 31, 2019, versus 72 thousand (23 percent) who had been ordered removed or agreed to voluntary departure. (Notably, about 70 percent of aliens with positive fear determinations in FY 2013 – 2018 remained in EOIR proceedings as of March 31, 2019.)

Table A2: Asylum Outcomes, Southwest Border Encounters, FY 2013 – 2018

Year of Encounter	2013	2014	2015	2016	2017	2018	Total
Total Encounters	490,093	570,832	446,060	560,432	416,645	522,626	3,006,688
Subjected to ER	225,426	222,782	180,328	227,382	160,577	214,610	1,231,105
Fear Claims ¹	39,648	54,850	50,588	98,265	72,026	100,756	416,133
Positive Fear Determinations ²	31,462	36,615	35,403	76,005	55,251	75,856	310,592
Asylum Granted or Other Relief ³	3,687 11.7%	4,192 11.4%	3,956 11.2%	4,775 6.3%	2,377 4.3%	2,168 2.9%	21,155 6.8%
Removal Orders ⁴	9,980 31.7%	11,064 30.2%	9,466 26.7%	17,700 23.3%	12,130 22.0%	11,673 15.4%	72,013 23.2%
Asylum Cases Pending	17,554 55.8%	21,104 57.6%	21,737 61.4%	53,023 69.8%	40,586 73.5%	61,918 81.6%	215,922 69.5%
Other	241	255	244	507	158	97	1,502

Source: DHS Office of Immigration Statistics Enforcement Lifecycle.

Notes for Table A2: Asylum outcomes are current as of March 31, 2019.

¹ Fear claims include credible fear cases completed by USCIS as well as individuals who claimed fear at the time of apprehension but who have no record of a USCIS fear determination, possibly because they withdrew their claim.

² Positive fear determinations include positive determinations by USCIS as well as negative USCIS determinations vacated by EOIR.

³ Asylum granted or other relief includes withholding of removal, protection under the Convention Against Torture, Special Immigrant Juvenile status, cancellation of removal, and other permanent status conferred by EOIR.

⁴ Removal orders include completed repatriations and unexecuted orders of removal and grants of voluntary departure.

Implementing MPP assessments currently imposes a significant resource burden to DHS. As of October 15, 2019, approximately 10% of individuals placed in MPP have asserted a fear of return to Mexico and have been referred to an asylum officer for a MPP fear assessment. The USCIS Asylum Division assigns on average approximately 27 asylum officers per day to handle this caseload nationwide. In addition, the Asylum Division must regularly expend overtime resources after work hours and on weekends to keep pace with the same-day/next-day processing requirements under MPP. This workload diverts resources from USCIS's affirmative asylum caseload, which currently is experiencing mounting backlogs.

Most importantly, DHS does not believe amending the process to affirmatively ask whether an alien has a fear of return to Mexico is necessary in order to properly identify aliens with legitimate fear claims in Mexico because under DHS's current procedures, aliens subject to MPP **may raise a fear claim to DHS at any point in the MPP process**. Aliens are not precluded from receiving a MPP fear assessment from an asylum officer if they do not do so initially upon apprehension or inspection, and many do. As of October 15, 2019⁵, approximately 4,680 aliens subject to MPP asserted a fear claim and received an MPP fear-assessment **after** their initial encounter or apprehension by DHS, with 14% found to have a positive fear of return to Mexico. Additionally, Asylum Division records indicate as of October 15, 2019⁶, approximately 618 aliens placed into MPP have asserted **multiple** fear claims during the MPP process (from the point of placement into MPP at the initial encounter or apprehension) and have therefore received multiple fear assessments to confirm whether circumstances have changed such that the alien should not be returned to Mexico. Of these aliens, 14% were found to have a positive fear of return to Mexico.

Additionally, asylum officers conduct MPP fear assessments with many of the same safeguards provided to aliens in the expedited removal/credible fear context. For example, DHS officers conduct MPP assessment interviews in a non-adversarial manner, separate and apart from the general public, with the assistance of language interpreters when needed.⁷

In conducting MPP assessments, asylum officers apply a "more likely than not" standard, which is a familiar standard. "More likely than not" is equivalent to the "clear probability" standard for statutory withholding and not unique to MPP. Asylum officers utilize the same standard in the reasonable fear screening process when claims for statutory withholding of removal and protection under the Convention Against Torture (CAT).⁸ The risk of harm standard for withholding (or deferral) of removal under the Convention Against Torture (CAT) implementing regulations is the same, i.e., "more likely than not."⁹ In addition to being utilized by asylum

⁵ USCIS began tracking this information on July 3, 2019.

⁶ USCIS began tracking this information on July 3, 2019.

⁷ USCIS Policy Memorandum PM-602-0169, *Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols*, 2019 WL 365514 (Jan. 28, 2019).

⁸ See INA § 241(b)(3); 8 C.F.R. § 1208.16(b)(2) (same); See 8 C.F.R. § 1208.16(c)(2).

⁹ See 8 C.F.R. § 1208.16(c)(2); Regulations Concerning the Convention Against Torture, 64 Fed. Reg. 8478, 8480 (Feb. 19, 1999) (detailing incorporation of the "more likely than not" standard into U.S. CAT ratification history); see also *Matter of J-F-F-*, 23 I&N Dec. 912 (BIA 2006).

officers in other protection contexts, the “more likely than not” standard satisfies the U.S. government’s *non-refoulement* obligations.

AGREEMENT BETWEEN DEPARTMENT OF HOMELAND SECURITY AND THE STATE OF TEXAS

The parties to this Agreement are on the one hand:

- (1) the Department of Homeland Security,
- (2) U.S. Customs and Border Protection (CBP),
- (3) U.S. Immigration and Customs Enforcement (ICE), and
- (4) U.S. Citizenship and Immigration Services (USCIS);¹

and on the other hand:

- (5) the State of Texas, by and through the Office of the Governor (Texas).

I. AUTHORITY

The authorities governing this Agreement include, but are not limited to:

- (1) the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended;
- (2) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended;
- (3) the Privacy Act, 5 U.S.C. Section 552a, as amended;
- (4) the Inter-Governmental Cooperation Act, 31 U.S.C. Section 6501, *et. seq.* as amended;
- (5) the Homeland Security Act of 2002, 116 Stat. 2135, 6 U.S.C. Section 101, *et seq.* as amended; and
- (6) the Immigration and Nationality Act, 8 U.S.C. Section 1101, *et seq.* as amended.

II. PURPOSE AND COMMITMENT

DHS recognizes that Texas, like other States, is directly and concretely affected by changes to DHS rules and policies that have the effect of easing, relaxing, or limiting immigration enforcement. Such changes can impact Texas's law enforcement, housing, education, employment, commerce, and healthcare needs and budgets. The harm to Texas is particularly acute where its budget has been set months or years in advance and it has no time to adjust its budget to respond to DHS policy changes. Specifically, DHS recognizes that the following actions result in concrete injuries to Texas:

- (1) a decrease of any immigration enforcement priorities;
- (2) a reduction in the number of DHS agents performing immigration enforcement functions;

¹ The Department of Homeland Security, CBP, ICE, and USCIS are collectively referred to in this Agreement as "DHS." The Department of Homeland Security, CBP, ICE, and USCIS enter into this Agreement individually and collectively, such that termination or removal of one or more of those parties (whether by law or contract) does not terminate this Agreement as to any other parties.

- (3) a decrease or pause on returns or removals of removable or inadmissible aliens;
- (4) a decrease or pause on apprehensions or administrative arrests;
- (5) relaxation of the standards for granting relief from return or removal, such as asylum;
- (6) an increase in releases from detention;
- (7) a relaxation of the standards for granting release from detention;
- (8) changes to immigration benefits or eligibility, including work authorization, discretionary actions, or discretionary decisions; and
- (9) rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community.

At the same time, Texas recognizes that DHS relies on cooperation with Texas and information shared by Texas to carry out DHS's immigration enforcement functions. Any decrease in a State's cooperation or information sharing with DHS may result in a decrease in immigration enforcement.

To that end, this Agreement establishes a binding and enforceable commitment between DHS and Texas, in which Texas will provide information and assistance to help DHS perform its border security, legal immigration, immigration enforcement, and national security missions in exchange for DHS's commitment to consult Texas and consider its views before taking any action, adopting or modifying a policy or procedure, or making any decision that could:

- (1) reduce, redirect, reprioritize, relax, or in any way modify immigration enforcement;
- (2) decrease the number of ICE agents performing immigration enforcement duties;
- (3) pause or decrease the number of returns or removals of removable or inadmissible aliens from the country;
- (4) increase or decline to decrease the number of lawful, removable, or inadmissible aliens;
- (5) increase or decline to decrease the number of releases from detention;
- (6) relax the standards for granting relief from return or removal, such as asylum;
- (7) relax the standards for granting release from detention;
- (8) relax the standards for, or otherwise decrease the number of, apprehensions or administrative arrests;
- (9) increase, expand, extend, or in any other way change the quantity and quality of immigration benefits or eligibility for other discretionary actions for aliens; or
- (10) otherwise negatively impact Texas.

In case of doubt, DHS will err on the side of consulting with Texas.

III. RESPONSIBILITIES

A. DHS agrees to:

- (1) Utilize its immigration authorities, to the maximum extent possible, to prioritize the protection of the United States and its existing communities. This includes:

- a. enforcing the immigration laws of the United States to prohibit the entry into, and promote the return or removal from, the United States of inadmissible and removable aliens;
 - b. enforcing the immigration laws of the United States to prioritize detention over release of inadmissible and removable aliens;
 - c. enforcing the immigration laws of the United States to apprehend and administratively arrest inadmissible and removable aliens;
 - d. eliminating incentives and so-called “pull factors” for illegal immigration;
 - e. limiting eligibility for asylum and other relief from detention, return, or removal to the statutory criteria; and
 - f. refusing asylum and other relief from detention, return, or removal for those aliens who pose a danger to the United States, whether due to prior criminal history, the security of the United States, health, or some other bar.
- (2) Consult with Texas before taking any action or making any decision that could reduce immigration enforcement, increase the number of removable or inadmissible aliens in the United States, or increase immigration benefits or eligibility for benefits for removable or inadmissible aliens. This includes policies, practices, or procedures which have as their purpose or effect:
- a. reducing, redirecting, reprioritizing, relaxing, lessening, eliminating, or in any way modifying immigration enforcement;
 - b. decreasing the number of ICE agents within Texas’s territorial jurisdiction performing immigration enforcement duties;
 - c. pausing or decreasing the number of returns or removals of removable or inadmissible aliens from the country;
 - d. decreasing the number of or criteria for detention of removable or inadmissible aliens from the country;
 - e. decreasing or pausing apprehensions or administrative arrests;
 - f. increasing or declining to decrease the number of lawful, removable, or inadmissible aliens residing in the United States;
 - g. increasing, expanding, extending, or in any way changing the quantity or quality of immigration benefits or eligibility for these benefits or other discretionary actions for aliens; or
 - h. otherwise negatively impacting Texas.
- (3) Provide Texas with 180 days’ written notice (in the manner provided for in Section IV of this Agreement) of any proposed action listed in Section III.A.2 and an opportunity to consult and comment on the proposed action. DHS will in good faith consider Texas’s input and provide a detailed written explanation of the reasoning behind any decision to reject Texas’s input before taking any action listed in Section III.A.2. In case of doubt as to whether DHS’s action is implicated by this provision,

DHS will err on the side of consulting with Texas before taking any such action listed above.

B. Texas agrees to:

Support DHS's immigration enforcement by honoring "detainer requests" or "requests to hold" issued to Texas by ICE or CBP, and honoring DHS requests for records or information from the Texas Department of Motor Vehicles.

IV. NOTICES

All notices required hereunder shall be given by certified United States mail, postage prepaid return receipt requested, and addressed to the respective parties at their addresses set forth below, or at such other address as any party shall hereafter inform the other party by written notice. All written notices so given shall be deemed effective upon receipt.

Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

U.S. Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
Office of the Director
5900 Capital Gateway Drive
Suitland, Maryland 20746

Texas
c/o Greg Abbott, Governor of Texas
1100 San Jacinto Boulevard, 4th Floor
Austin, Texas 78701

c/o Ken Paxton, Attorney General
300 West 15th Street
Austin, Texas 78711

V. PENALTIES

Texas acknowledges that the information it receives from DHS is governed by the Privacy Act, 5 U.S.C. section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this Agreement may be subject to civil or criminal penalties.

VI. INJUNCTIVE RELIEF

It is hereby agreed and acknowledged that it will be impossible to measure in money the damage that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved party will be irreparably damaged and will not have an adequate remedy at law. Any such party shall, therefore, be entitled (in addition to any other remedy to which it may be entitled in law or in equity) to injunctive relief, including specific performance, to enforce such obligations, and if any action should be brought in equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

VII. THIRD PARTY LIABILITY

Each party to this Agreement shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution or performance of this Agreement, whether civil or criminal, and retains responsibility for the payment of any corresponding liability.

Nothing in this Agreement is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any non-party to this Agreement against any party, its agencies, officers, or employees.

VIII. DISPUTE RESOLUTION

DHS and Texas will endeavor to the best of their ability to resolve their disputes informally and through consultation and communication. Disagreements on the interpretation of the provisions of this Agreement that cannot be resolved between the parties should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement may be adjudicated in a United States District Court located in Texas.

IX. CONFLICTS

This Agreement constitutes the full agreement on this subject between DHS and Texas. Any inconsistency or conflict between or among the provisions of this Agreement, will be resolved in the following order of precedence: (1) this Agreement and (2) other documents incorporated by reference in this Agreement. Provided, however, that this Agreement shall not void, abrogate, or modify any other agreement between DHS and Texas unless and to such extent as such agreement conflicts with this Agreement.

X. SEVERABILITY

The Parties agree that if a binding determination is made that any term of this Agreement is unenforceable, such unenforceability shall not affect any other provision of this Agreement, and the remaining terms of this Agreement shall, unless prohibited by law, remain effective as if such unenforceable provision was never contained in this Agreement.

The parties additionally agree that if this Agreement is found to be unenforceable as to one or more of the parties comprising DHS, including the Department of Homeland Security, such unenforceability shall not affect the validity of this Agreement as to the remaining parties and this Agreement shall remain effective as if such party was never a party to this Agreement.

XI. ASSIGNMENT

Texas may not assign this Agreement, nor may it assign any of its rights or obligations under this Agreement. To the greatest extent possible, this Agreement shall inure to the benefit of, and be binding upon, any successors to DHS and Texas without restriction.

XII. WAIVER

No waiver by any party of any breach of any provision of this Agreement shall constitute a waiver of any other breach. Failure of any party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed to be a waiver thereof.

XIII. EFFECTIVE DATE

This Agreement shall be effective immediately when all parties have signed this Agreement. This Agreement shall continue in effect unless modified or terminated in accordance with the provisions of this Agreement.

XIV. MODIFICATION

This Agreement is subject to periodic review by DHS, its authorized agents or designees, and, if necessary, periodic modification or renewal, consistent with this Agreement's terms, to assure compliance with current law, policy, and standard operating procedures. This Agreement constitutes the complete Agreement between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of all parties evidenced in writing and signed by all parties.

Any party may accomplish a unilateral administrative modification to change point-of-contact information. A written bilateral modification (*i.e.*, agreed to and signed by authorized officials of all parties) is required to change any other term of this Agreement.

XV. TERMINATION

Any party may terminate its involvement in this Agreement by submitting a request in writing to the other parties and providing 180 days' notice of intent to terminate its involvement in this Agreement. The termination will be effective 180 days after the written termination request was submitted or upon a date agreed upon by all parties, whichever is earlier. Termination by one party of its involvement in this Agreement shall not terminate this Agreement as to the remaining parties.

XVI. STATUS

The foregoing constitutes the full agreement on this subject between DHS and Texas.

Nothing in this Agreement may be construed to (1) negate any right of action for a State, local government, other person, or entity affected by this Agreement; or (2) alter the laws of the United States.

XVII. KNOWING AND VOLUNTARY ACKNOWLEDGMENT

The parties enter into this Agreement voluntarily, without coercion or duress, and fully understand its terms. The parties acknowledge they had an opportunity to review and reflect on this Agreement and have discussed its provisions with their respective counsel, if any. The parties attest they understand the effect of each of the provisions in this Agreement and that it is binding on all parties.

XVIII. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

XIX. FORMALIZATION


The undersigned represent that they are authorized to execute this Agreement on behalf of CBP, ICE, USCIS, and Texas, respectively.

Furthermore, the undersigned execute this Agreement on behalf of CBP, ICE, USCIS, Texas, respectively.

[Signatures on the following pages]

Signature for the Department of Homeland Security

DEPARTMENT OF HOMELAND SECURITY



1/8/2021

Kenneth T. Cuccinelli II

Date

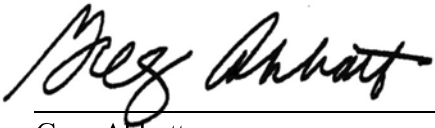
Senior Official Performing the Duties of the Deputy Secretary

Signed individually and collectively²

² “Signed individually and collectively” as used here indicates that the agency is entering into this Agreement both (1) for itself, independently, and (2) along with the other entities that comprise DHS, collectively. Should one agency, for whatever reason, cease to be a party to this Agreement, this Agreement shall still survive for all other parties and be read and interpreted as if the removed party had never been a party to this Agreement.

Signature for the Office of the Governor of Texas

OFFICE OF THE GOVERNOR OF TEXAS



December 31, 2020

Greg Abbott
Governor

Date

Signature for the Office of the Attorney General of Texas

OFFICE OF THE ATTORNEY GENERAL OF TEXAS



12/31/2020

Ken Paxton
Attorney General

Date

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF RYAN D. WALTERS

U.S. Customs and Border Protection Custody and Transfer Statistics FY2021

EXHIBIT B-4

Custody and Transfer Statistics FY2021

Fiscal Year 2021 runs from October 1, 2020 to September 30, 2021

▼ Collapse All

▼ Office of Field Operations - Dispositions and Transfers

OFO Monthly Southwest Border Credible Fear Inadmissibles by Disposition

Disposition	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Expedited Removal - Credible Fear (ERCF) ¹	63	94	111	133	117	56	77
Notice to Appear (NTA) ^{2,7}	22	36	74	93	200	795	2,027
Notice to Appear (NTA) - Person Released	0	0	0	0	0	0	0
Notice to Appear (NTA) - Person Detained	0	0	0	0	0	0	0
Visa Waiver Program (VWP)-Removal - Limited Review ³	0	0	0	0	0	0	0
Visa Waiver Program (VWP)-Refusal - Limited Review ³	0	0	0	0	0	0	0
Stowaway - Limited Review ³	0	0	0	0	0	0	0
Total Credible Fear Inadmissibles	85	130	185	226	317	851	2,104

Title 8 Inadmissibles

Field Office	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
El Paso	163	196	229	229	257	283	521
Laredo	417	369	347	351	360	561	659
San Diego	325	373	490	695	827	1,148	1,972
Tucson	97	70	66	83	92	143	261
Total	1,002	1,008	1,132	1,358	1,536	2,135	3,413

OFO Monthly Southwest Border Credible Fear Inadmissibles by Program

	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Migrant Protection Protocols (MPP)⁴ - Initial returns	3	9	8	9	0	0	0
Asylum Cooperative Agreement (ACA)⁵ Program - Expedited Removal - Credible Fear (ERCF)	0	0	0	0	0	0	0
ACA - Notice to Appear (NTA)	0	0	0	0	0	0	0
Humanitarian Asylum Review Process (HARP)⁶ Program -Expedited Removal - Credible Fear (ERCF)	0	0	0	0	0	0	0
HARP - Notice to Appear	0	0	0	0	0	0	0

OFO Monthly Southwest Border Credible Fear by Transfer Destination

Destination	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Federal/State/Local Facility	10	11	18	20	15	23	54
ICE/ERO	62	105	130	187	235	455	1,491
ICE/HSI	3	0	0	0	0	0	6
OFO	0	0	0	0	0	0	0
Return to Foreign	2	7	12	11	0	0	0
USBP	5	5	0	0	7	16	32
Total	82	128	160	218	257	494	1,583

¹ Includes subjects who claimed credible fear in Office of Field Operations (OFO) custody at a port of entry.

² OFO refers all such claims to USCIS. Credible fear may be claimed at any time prior to removal.

³ Office of Field Operations has the discretion to process arriving noncitizens for expedited removal or notice to appear in removal proceedings or other disposition. In the event of NTA disposition, applicants for admission have up to one year to seek asylum and while proceeding before the immigration judge.

⁴ The term "limited review" refers to the process of an immigration judge considering prior administrative adjudicated claims of US citizenship, Lawful Permanent Residence, Asylum or Refugee status. The immigration judge considers only the claim to such benefit and not the underlying inadmissibility or removal ground that may apply in the noncitizen's case.

⁵ Migrant Protection Protocols (MPP) - An exercise of the Department of Homeland Security's (DHS) express statutory authority under the Immigration and Nationality Act (INA) to return certain applicants for admission, or those who enter illegally between the ports of entry, who are subject to removal proceedings under INA Section 240 Removal Proceedings to Mexico pending removal proceedings. Individuals processed for MPP are released from detained immigration docket while awaiting their removal proceedings and like all asylum seekers have up to one year after initiation of removal proceedings to claim fear and file form I589 to have their claims heard by an Asylum Officer or Immigration Judge.

⁶ Asylum Cooperative Agreement (ACA) - CBP, in coordination with ICE Enforcement Removal Operations (ERO), and USCIS, have executed ACAs to facilitate the transfer of noncitizens to a third country where they will have access to full and fair procedures for determining their protection claims, based on the ACAs. Currently, Guatemala is the only ACA participant.

Humanitarian Asylum Review Process (HARP) - Developed by Customs and Border Protection (CBP), in coordination with ICE, USCIS, and EOIR to promptly address credible fear claims of amenable Mexican nationals.

Initial disposition of Expedited Removal is converted to a Notice to Appear in full removal proceedings after a preliminary finding by Asylum Officer, Supervisor or Immigration Judge of credible fear; Custody status is most likely released on recognizance or "Order of Recognizance" pending discretion of an asylum grant.

Legal status while out of custody is parole until asylum is granted. Continued detention of a migrant who has more likely than not demonstrated credible fear is not in the interest of resource allocation or justice.

Office of Field Operations - In Custody

Field Operations - Southwest Border In Custody¹

Detention Capacity	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
1005	39 (3.88%)	49 (4.88%)	53 (5.27%)	55 (5.47%)	64 (6.37%)	107 (10.6%)	195 (19.4%)

¹ Represents an estimate of each cell's code occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

² Represents the average number of travelers in custody on a daily basis averaged over the 30 day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

Office of Field Operations - Title 8, 19 and 42

OFO Southwest Border T8, T19, T42

Category	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Title 8	1,002	1,008	1,132	1,358	1,536	2,135	3,413
Title 19	7,198	6,937	6,917	5,447	5,251	6,826	9,332
Title 42	1,899	1,942	1,748	1,775	1,947	2,003	1,751

OFO Southwest Border T8, T19, T42

Category	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Title 8	1,002	1,008	1,132	1,358	1,536	2,135	3,413

Category Oct-20 Nov-20 Dec-20 Jan-21 Feb-21 Mar-21 Apr-21

Title 19 7,198 6,937 6,917 5,447 5,251 6,826 9,332

Title 42 1,899 1,942 1,748 1,775 1,947 2,003 1,751

▼ U.S. Border Patrol - Dispositions and Transfers

USBP Monthly Southwest Border Apprehensions by Processing Disposition

The processing disposition decision related to each apprehension is made on a case-by-case basis. The processing dispositions below are representative of the time data was aggregated. As dispositions are subject to change throughout the immigration process, the data does not necessarily reflect final dispositions or removals.

Processing Disposition	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Expedited Removal (ER)	1,248	1,449	1,642	2,286	3,637	6,416	10,669
PACR, HARP, ACA¹	0	2	0	6	2	13	25
Notice To Appear/Order of Recognizance, I-385 – Released²	20	9	18	1,317	8,797	26,282	26,233
Reinstatement of Prior Removal	1,533	1,418	1,430	1,274	1,126	1,488	1,697
Voluntary Return	169	964	1,736	1,815	1,857	2,387	2,268
Warrant/Notice To Appear (NTA) - Detained	2,092	2,766	4,184	5,151	9,639	24,610	20,762
MPP¹	796	1,106	1,347	717	30	0	0
Other³	186	172	189	217	232	919	1,843
Total Title 8 Apprehensions	6,044	7,886	10,546	12,783	25,320	62,115	63,497

¹ Subjects enrolled in multiple programs are only counted once based on the following order: PACR, ACA, HARP, MPP.

² Includes individuals released with a Notice to Appear/Order of Recognizance (NTA/OR) with an order to appear for immigration proceedings and individuals who are processed, not admitted, and released without an NTA as a matter of discretion.

³ Processing dispositions may include subjects that do not yet have a final disposition at the time the data was collected or subjects processed under the visa waiver program, turned over to, paroled, etc.

USBP Monthly Southwest Border Apprehensions by Transfer Destination

Following processing, U.S. Border Patrol arranges transfer of individuals to the appropriate entity based on disposition and other factors such as criminal charges. The transfer destinations below are representative of the time data was aggregated. The data does not reflect subsequent transfer destinations after subjects leave Border Patrol custody and are subject to change if an individual returns to U.S. Border Patrol custody during the same event.

Transfer Destination**Oct-20 Nov-20 Dec-20 Jan-21 Feb-21 Mar-21 Apr-21**

Humanitarian Release	19	9	18	1,321	8,798	26,103	26,098
Federal¹	3,491	4,077	5,746	7,443	13,518	30,993	30,747
Federal - Northern Triangle Repatriation Flights	20	7	0	26	11	8	1
Federal - Mexican Repatriation Flights	499	894	566	528	187	205	164
Port of Entry (Non-MPP)	920	1,377	2,411	2,150	2,100	2,825	3,042
Port of Entry (MPP)	796	1,106	1,347	717	30	0	0
State and Local Law Enforcement Agencies	184	229	315	443	525	1,166	727
Other²	114	186	143	151	151	475	1,485
Total Title 8 Transfers	6,043	7,885	10,546	12,779	25,320	61,775	62,264

¹ Manifested as turned over to other Federal agencies, to include Immigration and Customs Enforcement, Health and Human Services, U.S. Marshals, etc.

² Includes subjects that have not been transferred out of USBP custody at the time the data was collected or subjects manifested as transferred to hospital, paroled, etc.

▼ U.S. Border Patrol - In Custody

USBP Average Daily Subjects In Custody by Southwest Border Sector

U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the Southwest border is approximately 11,200, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc.

Sector	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
Big Bend	10	16	19	22	43	68	40
Del Rio	379	78	91	174	367	625	816
El Centro	34	35	35	36	53	204	424
El Paso	72	74	123	107	231	913	476
Laredo	113	113	73	72	95	263	334
Rio Grande	178	176	120	158	878	3,779	2,883
San Diego	55	62	57	107	153	503	1,139
Tucson	70	72	98	87	186	490	305
Yuma	8	11	17	28	160	488	785
Total	919	637	633	791	2,164	7,331	7,202

▼ Pathways and Programs Definitions

Migrant Protection Protocols (MPP)

The Migrant Protection Protocols (MPP) is an exercise of the Department of Homeland Security's express statutory authority under the Immigration and Nationality Act (INA) to return certain applicants for admission, or those who enter illegally between the ports of entry, who are subject to removal proceedings under INA Section 240 Removal Proceedings to Mexico pending removal proceedings.

Prompt Asylum Claim Review (PACR)

The Prompt Asylum Claim Review (PACR) pathway was developed by U.S. Border Patrol (USBP), in coordination with U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and the Executive Office for Immigration Review (EOIR) to promptly address credible fear claims of amenable individuals.

Asylum Cooperative Agreement (ACA)

U.S. Customs and Border Protection (CBP), in coordination with U.S. Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO), and U.S. Citizenship and Immigration Services (USCIS), have executed Asylum Cooperative Agreements (ACAs) to facilitate the transfer of individuals to a third country where they will have access to full and fair procedures for determining their protection claims, based on the ACAs.

Humanitarian Asylum Review Process (HARP)

The Humanitarian Asylum Review Process (HARP), was developed by U.S. Customs and Border Protection (CBP), in coordination with U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and the Executive Office for Immigration Review (EOIR) to promptly address credible fear claims of amenable Mexican nationals.

Electronic Nationality Verification

Under the Electronic Nationality Verification (ENV) program U.S. Customs and Border Protection (CBP), in coordination with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), remove eligible noncitizens with a final order of removal to their native countries.

Interior Repatriation Initiative (IRI)

Under the Interior Repatriation Initiative (IRI), U.S. Customs and Border Protection (CBP), in coordination with U.S. Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO) and the Mexican Ministry of the Interior, remove eligible noncitizens from Mexico to the interior of Mexico.

Tags:

Statistics (<https://www.cbp.gov/tags/statistics>) [1]

Source URL: <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics>

Links

[1] <https://www.cbp.gov/tags/statistics>

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

THE STATE OF TEXAS and

THE STATE OF MISSOURI,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
of America, *et al.*,

Defendants.

Case No. 2:21-cv-00067-Z

APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF RYAN D. WALTERS

U.S. Citizenship and Immigration Services Description of Parole

EXHIBIT B-5



U.S. Citizenship
and Immigration
Services

Home > Humanitarian > Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States

Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States

i Both the special parole policy for arriving Cuban nationals, commonly known as the “wet foot/dry foot” policy, and the Cuban Medical Professional Parole Program expired on January 12, 2017. [Read the announcement](#) on the DHS website. The Cuban Family Reunification Parole Program remains in effect.

Individuals who are outside of the United States may be able to request parole into the United States based on humanitarian or significant public benefit reasons.

For information on the types of documents and evidence you should submit in support of a request for parole, please see [Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests](#).

This webpage does **not** cover the following types of parole requests:

- *Requests for individuals who are already in the United States and seek “advance parole” to leave and return.* For information on how an individual already in the United States may be considered for advance parole to return to the United States after departure, please see [Form I-131 instructions \(PDF, 284.74 KB\)](#).
- *Requests for individuals who are in the United States and seek parole in place.* For more information, please contact the local USCIS office through my.uscis.gov/appointment.
- *Requests for parole that are under the jurisdiction of Immigration and Customs Enforcement (ICE).* ICE has primary jurisdiction over a person seeking parole who is in removal proceedings in the United States or who has previously been removed or deported. Requests to ICE for parole should be submitted to ICE via the USCIS address under [Humanitarian parole applicants](#). Please see the [Memorandum of Agreement between USCIS, ICE and CBP \(PDF\)](#) for more information about each agency’s jurisdiction over parole requests.
- *Requests for individuals who apply under special parole programs such as:*
 - [The Haitian Family Reunification Parole Program](#)
 - [The Cuban Family Reunification Parole Program](#)

- [The Central American Minor Refugee/Parole Program](#)
- [The Filipino World War II Veterans Parole Program](#)
- [International Entrepreneur Parole](#)

 Close All  Open All

Terminology

The following terms are used on this page:

- **Petitioner:** The person completing the [Form I-131, Application for Travel Document](#), on behalf of an individual outside the United States who is seeking parole (or re-parole as explained below). The term “self-petitioner” refers to an individual who files [Form I-131, Application for Travel Document](#) for him or herself.
- **Beneficiary:** A beneficiary is an individual, residing outside the United States (or a person seeking re-parole as explained below) who receives parole.
- **Sponsor:** A sponsor is an individual who agrees to provide financial support for the beneficiary of a parole application by filing [Form I-134, Affidavit of Support \(PDF, 463.53 KB\)](#).
- **Parolee:** A parolee is an individual who is paroled into the United States.

What is Parole?

USCIS uses its discretion to authorize parole. Parole allows an individual, who may be inadmissible or otherwise ineligible for admission into the United States, to be paroled into the United States for a temporary period. The Immigration and Nationality Act (INA) allows the secretary of Homeland Security to use their discretion to parole any alien applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit. (See INA section 212(d)(5)).

An individual who is paroled into the U.S. has not been formally admitted into the United States for purposes of immigration law.

Parole is not intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels.

Length of Parole

If authorized, we will specify the duration of parole for a temporary period of time to accomplish the purpose of the parole, as indicated in Part 3 of [Form I-131, Application for Travel Document](#). For example, if parole is requested to attend a civil court proceeding between private parties, we may authorize parole for the period of time necessary to attend the proceedings. Parole is typically granted for no more than a year.

Parole ends on the date the parole period expires or when the beneficiary departs the United States or acquires an immigration status, whichever occurs first. In some cases, we may place conditions on

parole, such as reporting requirements. We may revoke parole at any time and without notice if it determines that parole is no longer warranted or the beneficiary fails to comply with any conditions of parole.

Work Permits

If not inconsistent with the purpose and duration of parole, we may, in our discretion, grant a parolee temporary employment authorization. The parolee may request employment authorization after being paroled into the United States by filing Form I-765, Application for Employment Authorization.

Who Can Apply for Parole?



Anyone may request parole for himself or herself, or on behalf of another individual, by filing Form I-131, Application for Travel Document. The petitioner is an individual or entity who is filing the Form I-131, Application for Travel Document, on behalf of an individual outside of the United States. The petitioner may also self-petition for parole. The petitioner does not have to be a resident of the United States or related to the beneficiary.

The Need for a Sponsor



One important factor we consider in determining whether to exercise discretion to authorize parole is whether the beneficiary will have a means of support while in the United States. We require evidence of a sponsor to provide financial support to the parolee in the United States. Lack of evidence of financial support while in the United States is a strong negative factor that may lead to a denial of parole. We will take into account the Health and Human Services Federal poverty guidelines along with any special circumstances related to the beneficiary's need for care in assessing whether there are sufficient funds in place to adequately support the beneficiary once in the United States.

Requirements for Sponsors

The sponsor is the individual who agrees to provide financial support to the beneficiary while they are in the United States for the duration of the parole authorization period. The financial sponsor may or may not be the same person or entity as the petitioner. The sponsor must submit a Form I-134, Affidavit of Support (PDF, 463.53 KB) for each parole request to establish whether they have enough financial resources to support the parolee during their stay in the United States, and if the funds are overseas, access to those funds for the parolee's stay in the United States.

Though there is no requirement regarding the sponsor's immigration status in the United States, a sponsor who has a more permanent status in the United States, such as lawful permanent residence or is a U.S. citizen, may more readily be able to establish the ability to support the parolee in the United States. Evidence of the sponsor's immigration status or citizenship in the United States may be relevant to the sponsor's ability to support the beneficiary. Therefore, the petitioner should generally include evidence of the sponsor's immigration status or citizenship in the United States, such as the sponsor's permanent residence card, naturalization certificate, birth certificate or passport with the parole request.

about what kind of evidence is required to demonstrate sufficient income and financial resources. Some examples of evidence that is helpful in demonstrating financial resources include pay stubs, last filed tax return or a letter from a sponsor's employer.

Multiple Sponsors

When determining a sponsor, the petitioner must take into account the Health and Human Services Federal [poverty guidelines](#), and any special needs of the beneficiary. If the petitioner is unable to identify a sponsor who alone has sufficient means to support the beneficiary in the United States, the petitioner may indicate more than one sponsor if they have the means and agree to support the beneficiary while paroled in the United States. In this situation, the petitioner must submit a [Form I-134, Affidavit of Support \(PDF, 463.53 KB\)](#), along with the proper supporting documentation, from each sponsor.

Self-Sponsor

A beneficiary may also demonstrate that he or she is financially self-sufficient by submitting a [Form I-134, Affidavit of Support \(PDF, 463.53 KB\)](#), with supporting financial documentation.

Organization as a Sponsor

Occasionally, a non-profit organization or medical institution may serve as a sponsor on a parole application. In those instances, if an employee of the organization cannot complete a [Form I-134, Affidavit of Support \(PDF, 463.53 KB\)](#), the petitioner should include with the parole application, a letter from the organization committing to support the beneficiary.

Eligibility for Parole

A USCIS officer considers each request and the evidence provided on a case-by-case basis, taking into account all of the circumstances. (See Section 212(d)(5) of the INA.) The burden of proof is on the petitioner to establish that parole should be authorized. Parole will be authorized only if we conclude, based on all the evidence the petitioner submits and any other relevant evidence available to us, that

- There are urgent humanitarian or significant public benefit reasons for the beneficiary to be in the United States; and
- The beneficiary merits a favorable exercise of discretion.

Urgent Humanitarian Reasons

There is no statutory or regulatory definition of "urgent humanitarian reasons." USCIS officers look at all of the circumstances, taking into account factors such as (but not limited to):

- Whether or not the circumstances are pressing;
- The effect of the circumstances on the individual's welfare and wellbeing; and
- The degree of suffering that may result if parole is not authorized.

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An applicant may demonstrate urgency by establishing a reason to be in the United States that calls for immediate or other time-sensitive action, including (but not limited to) critical medical treatment, or the need to visit, assist or support a family member who is at an end of life stage of an illness or disease.

The factors considered in determining urgent humanitarian reasons are dependent on the type of parole request. See Guidance for Certain Types of Humanitarian or Significant Public Benefit Parole Requests for more information on factors often considered in some of the more common types of requests.

Significant Public Benefit

There is no statutory or regulatory definition of “significant public benefit.” Parole based on significant public benefit includes, but is not limited to, law enforcement and national security reasons or foreign or domestic policy considerations. USCIS officers look at all of the circumstances presented in the case.

While the beneficiary may personally benefit from the authorization of parole, the statutory standard focuses on the public benefit in extending parole. For example, a beneficiary’s participation in legal proceedings may constitute a significant public benefit, because the opportunity for all relevant parties to participate in legal proceedings may be required for justice to be served.

There may be circumstances where a request is based on both urgent humanitarian reasons and significant public benefit reasons. For example, a person may be paroled if they have a request for medical care that involves experimental treatment or medical trials from which a larger community in the United States may benefit.

Determining Who is Authorized Parole

We exercise our discretion on a case-by-case basis, by evaluating positive factors in the record against any negative factors. Having an urgent humanitarian reason or a significant public benefit is a positive determining factor and it is evaluated against any negative factors present in a case. We evaluate the complete record.

Some common discretionary factors that we evaluate include (but are not limited to):

- Whether the purpose of the parole request may be accomplished within a specific, temporary period of time;
- Whether the beneficiary intends to leave the United States once their parole expires or has means to obtain lawful immigration status during the parole authorization period or any re-parole period that is envisioned (where applicable);
- Whether there is evidence of any national security concerns;
- Whether there is evidence of any criminal history or previous immigration violations;
- Whether there is evidence of any previous participation in fraud;
- Whether the beneficiary’s presence would benefit a U.S. citizen or lawful permanent resident or community in the United States;
- Whether the beneficiary will have sufficient financial support while in the United States;
- Evidence of the beneficiary’s character;

- The effect of the beneficiary's presence on a community in the United States; and
- Whether there are other means, other than parole, that are available to the beneficiary so they can travel to and remain in the United States for the stated parole purpose, such as the ability or inability to obtain a visa.

No one factor determines the outcome of the case. Each decision is based on all of the circumstances present in a case.

We may revoke parole at any time if it determines that parole is no longer warranted or the beneficiary fails to comply with any conditions on the parole.

Parole Process

An overview of the parole process steps is as follows:

Step 1: Filing of Parole Request

The petitioner files the following at the USCIS Lockbox in Dallas:

- [Form I-131, Application for Travel Document](#)
- [Form I-134, Affidavit of Support \(PDF, 463.53 KB\)](#).
- Supporting documentation
- The filing fee (or [Form I-912, Request for Fee Waiver](#))

(See the **Requesting Parole** section below for more specific information)

The Lockbox sends the parole request to USCIS International and Refugee Affairs Division (USCIS-IRAD) in Washington, D.C.

Step 2: USCIS Reviews the Request for Urgency (Triage)

Within 2 business days of receiving the request, (usually two weeks after Lockbox filing), USCIS-IO reviews each request to confirm jurisdiction and determine whether it warrants expedited processing because of an urgent or time-sensitive reason. All requests are reviewed initially to determine urgency, regardless of whether the petitioner specifically requests expedited consideration.

Step 3: USCIS Officer Makes a Decision

A USCIS officer considers the request. This includes:

- Reviewing the request and all supporting documents;
- Conducting all mandatory security checks and vetting;
- Issuing a Request for Evidence (RFE) or Notice of Intent to Deny, if necessary;
- Documenting the basis for the decision; and
- Preparing the decision notice(s).

A supervisor reviews all parole decisions before any decision is finalized.

Step 5: USCIS Provides Notification of the Decision

If authorized: We will mail an approval letter to the petitioner, the beneficiary and any representative of record. The letter provides notice of the decision and next steps for obtaining travel documents. We will also notify the U.S. Embassy or U.S. Consulate closest to the beneficiary's residence.

If denied: We will mail a denial letter to the petitioner, beneficiary, and any representative of record.

Step 6: Issuance of Travel Documents and Parole into the United States (Approvals Only)

If a request is authorized, the approval notice will inform the beneficiary that he or she must complete a Form DS-160, Application for a Nonimmigrant Visa, and appear for an appointment with the Department of State consular section to verify their identity and collect biometrics for additional security vetting. All beneficiaries 14 years and older must provide biometrics. If no derogatory information or new identity information is identified during vetting, the U. S. Consulate issues a document referred to as a boarding foil that allows the beneficiary to travel to the United States within 30 days of it being issued. Issuance of a boarding foil does not guarantee parole but allows the beneficiary to proceed to Step 7 below.

Step 7: Customs and Border Protection (CBP) Paroles into the United States (Approvals Only)

A CBP officer inspects the beneficiary at the port of entry. If CBP paroles the beneficiary, CBP will issue the parolee an I-94, Arrival/Departure Record, documenting the length of their parole period. The parole period begins when CBP paroles the beneficiary at the port of entry. After arriving in the United States, the parolee may request employment Form I-765, Application for Employment Authorization.

Requesting Parole

To request parole you must:

- Complete a Form I-131, Application for Travel Document, and, for each parole beneficiary, include the filing fee or Form I-912, Request for Fee Waiver.
- Complete a Form I-134, Affidavit of Support (PDF, 463.53 KB), for each beneficiary to show how each beneficiary will be financially supported in the United States.
 - If there is more than one sponsor, each sponsor must submit a Form I-134, Affidavit of Support (PDF, 463.53 KB).
- Include a detailed explanation, as well as supporting documentation, of the reasons parole is being requested for the beneficiary. (See the **Submitting Evidence** section below for more specific information.)
- If you are represented, you must include a completed Form G-28, Notice of Entry of Appearance as Attorney or Representative, for USCIS to communicate with your attorney or representative.

Submitting Evidence

The petitioner must show, through the parole request and supporting evidence, that the beneficiary qualifies for parole and merits a favorable exercise of discretion. Submitting all relevant supporting evidence will avoid delays. A USCIS officer may issue a Request for Evidence (RFE) to seek additional information. In addition to the Form I-131, Application for Travel Document, Form I-134, Affidavit of Support (PDF, 463.53 KB), and the filing fee or request for fee waiver, the petitioner should submit the following evidence to support their parole request:

- Detailed explanation of the reasons why the petitioner is requesting parole;
- Detailed explanation of the length of time for which the beneficiary needs parole;
- Detailed explanation of why the beneficiary cannot obtain a U.S. nonimmigrant or immigrant visa from the U.S. Department of State including:
 - When and where the beneficiary attempted to obtain visas, if applicable;
 - If a visa application was denied, include a copy of the denial letter; and
 - If applicable, a detailed explanation of the reasons why the beneficiary cannot obtain any required waiver of inadmissibility and a copy of any denial letter received.
- Copies of any previously filed immigrant petitions (Forms I-130, I-140, I-360, etc.) or nonimmigrant petitions filed by or for the beneficiary, if available;
- Copies of any documents that support the request, including a clear and legible copy of a government-issued identification that indicates the beneficiary's citizenship.
 - If a birth certificate is provided, please submit a copy of the front and back of the original birth certificate.
- Copies of a U.S. passport, lawful permanent resident card, birth certificate or other evidence of valid U.S. immigration status or citizenship for the petitioner and sponsor, where applicable.
- See Guidance for Certain Types of Humanitarian or Significant Public Benefit Parole Requests for information on what additional evidence may support specific types of parole requests.

Requesting Parole for Children

Depending on the circumstances, when parole is requested for a minor child (a child under the age of 18), we will require proof of parentage, and in addition may require the following types of evidence in the interest of protecting the child:

Circumstance:	Type of evidence that may be requested:
Where the minor beneficiary is traveling with one parent and the other parent will remain outside the United States	<p>Written authorization from the non-traveling parent for the minor to travel, to include:</p> <ul style="list-style-type: none"> • Permission from the non-traveling parent for the child to accompany the traveling parent; • The duration of authorized travel; and • If the parents of the child are divorced or separated, proof showing that the traveling parent has been awarded legal custody of the minor.

Where neither parent is traveling	<p>Written authorization from both parents for the child to leave the country with an appointed guardian, to include:</p> <ul style="list-style-type: none"> • The duration of travel and • Proof of legal guardianship issued by a government authority.
Where the parent or parents' consent cannot be obtained	<ul style="list-style-type: none"> • Written explanation from the petitioner or beneficiary explaining efforts to locate the parent; or • The circumstances surrounding their unavailability; and • Evidence of guardianship for the person who is accompanying the child on travel or receiving the child once he or she arrives.

Submitting a Request for Parole

USCIS Dallas Lockbox
 For U.S. Postal Service (USPS) Deliveries:
 USCIS
 P.O. Box 660865
 Dallas, TX 75266

For Express Mail and courier deliveries:
 USCIS
 Attn: HP
 2501 S. State Hwy 121, Business
 Suite 400
 Lewisville, TX 75067

Please see the [I-131, Application for Travel Document](#) website for instructions on submitting requests.

Length of Parole Consideration Process

While processing time varies according to case complexity and how thorough the supporting documentation is in the initial filing, we strive to complete requests for parole for applicants outside the United States (or seeking re-parole as explained below) within 3 months. Please see [our processing times website](#) for current processing times. To avoid delays in processing, **it is critical that applicants include all relevant supporting evidence at the time of application and in response to any request for evidence (RFE).**

Expedited Processing

- Follow the guidance on the [Form I-131 instructions](#) (PDF, 284.74 KB).
- Write the word EXPEDITE in the top right corner of the application in black ink.
- Provide an email address, phone number, and fax number for the petitioner or representative with any expedite request.
- Include a detailed explanation of the reason for the expedite request along with any available supporting evidence.
 - Generally, all requests for parole are based on urgent needs; therefore, the petitioner must demonstrate significant reasons for expediting the request, such as a life threatening or other extremely urgent situation.

If Parole is Denied

The petitioner cannot appeal the denial of parole, as the grant of parole confers no substantive right or immigration status. However, if there are significant new facts that are relevant to the application for parole, the petitioner may file a new [Form I-131, Application for Travel Document](#), packet with fee or request for fee waiver. There is no limit to the number of [Forms I-131, Application for Travel Document](#) a person may file.

Travel for Parolees

Leaving the United States

A parole document provided to an individual outside the United States is valid to be presented only once for parole at the port of entry. If the petitioner leaves the United States, their parole will end once the petitioner departs. If the petitioner wishes to travel abroad and then return to the United States as a parolee, they may file a separate application on a new Form I-131 for advance parole before traveling abroad. For information on how to apply for advance parole while in the United States, please see [Form I-131 instructions](#) (PDF, 284.74 KB). The petitioner may also apply for a visa or again request parole from outside of the United States in order to return.

Re-Parole

Parole ends on the date the parole period expires, is revoked, or when the parolee departs the United States or obtains an immigration status, whichever happens first. Although parole is temporary in nature, in some instances, a beneficiary may need to remain in the United States beyond the period of authorized parole. In such instances, an individual may request re-parole from within the United States.

The petitioner may request re-parole by:

- Filing a new [Form I-131, Application for Travel Document](#);

- Checking box 1.e or 1.f in Part 2 of the form; and
- Writing “re-parole” across the top of the application.

In addition to required fees or request for fee waiver, the submission should include materials and evidence to support re-parole, including explaining and providing supporting documents on the need for an additional authorized parole period.

The request should be filed at least 90 days in advance of the expiration of the authorized parole period to allow for sufficient processing time and to avoid the potential for accruing time in unlawful status.

Related Links

- [Memorandum Of Agreement between CBP, ICE and USCIS regarding Parole Authority \(PDF\)](#).

Forms

- [I-134, Affidavit of Support](#)
- [I-765, Application for Employment Authorization](#)
- [I-131, Application for Travel Document](#)

✕ Close All ✕ Open All

Last Reviewed/Updated: 03/31/2021

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

February 2, 2021

Ken Paxton
Attorney General
State of Texas
300 West 15th Street
Austin, Texas 78711

Dear Attorney General Paxton:

I am writing in response to your letter to me of January 21, 2021 alleging that the Department of Homeland Security (DHS) has violated a purported "Agreement" (Document) with the State of Texas.

As you are fully aware, the State of Texas has initiated a lawsuit against DHS seeking to enjoin, on the basis of that Document, the Department's lawful exercise of its authority. *Texas v. United States*, No. 6:21-cv-00003, Complaint, ECF No. 1 (S.D. Tex. filed Jan. 22, 2021). The Document that you reference in your letter is void, not binding, and unenforceable, as explained in the Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Application for a Temporary Restraining Order, ECF No. 8 (filed Jan. 24, 2021).

Notwithstanding that the Document is void, not binding, and unenforceable—and preserving all rights, authorities, remedies, and defenses under the law—this letter also provides notice, on behalf of DHS, U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS), that DHS, CBP, ICE and USCIS rescinds, withdraws, and terminates the Document, effective immediately. DHS will continue to comply with applicable executive orders, statutes, regulations, and court orders.

Please direct any further correspondence concerning the Document to the Department of Justice.

Sincerely,

A handwritten signature in black ink that reads "David P. Pekoske".

David P. Pekoske
Acting Secretary

COPIES OF NOTICE TO:

Brian M. Boynton
Acting Assistant Attorney General
Civil Division, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Greg Abbott, Governor of Texas
1100 San Jacinto Boulevard, 4th Floor
Austin, TX 78701

Department of Homeland Security
c/o Joseph B. Maher, Acting General Counsel
Washington, D.C. 20528

U.S. Customs and Border Protection
c/o Troy Miller, Acting Commissioner
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
c/o Tae Johnson, Acting Director
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
c/o Tracy Renaud, Acting Director
Office of the Director
5900 Capital Gateway Drive
Suitland, Maryland 20746

Texas Criminal Illegal Alien Data

The Department of Public Safety and local law enforcement agencies in Texas participate in the Department of Homeland Security's (DHS) Priority Enforcement Program (PEP). Participation in PEP enables DHS to work with state and local law enforcement to take custody of individuals who pose a danger to public safety before those individuals are released into our communities. In Texas, PEP begins at the local level when an individual is arrested and booked by a Texas law enforcement officer for a criminal violation of Texas law. The arrested individual's fingerprints are submitted to the Texas DPS and subsequently to the FBI for criminal history and warrant checks. This same biometric data is also sent to DHS' IDENT database so that ICE can determine the person's immigration status and whether the individual is a priority for removal, consistent with the DHS enforcement priorities. The immigration status information is returned to DPS by DHS. The following report is based upon the status indicators provided to the DPS. For the purposes of this report, the term "criminal alien" refers to an individual who has been identified as an alien by DHS and who has been arrested for a state criminal offense, typically a Misdemeanor B or higher, committed in Texas.

Lawful Presence Determined Through PEP

According to DHS status indicators, over 334,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and January 31, 2021, of which over 228,000 were classified as illegal aliens by DHS.

Between June 1, 2011 and January 31, 2021, these 228,000 illegal aliens were charged with more than 368,000 criminal offenses which included arrests for 681 homicide charges; 42,698 assault charges; 6,950 burglary charges; 45,557 drug charges; 590 kidnapping charges; 18,662 theft charges; 28,892 obstructing police charges; 2,050 robbery charges; 4,505 sexual assault charges; 5,651 sexual offense charges; and 3,871 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 143,000 convictions including 300 homicide convictions; 16,864 assault convictions; 3,707 burglary convictions; 20,763 drug convictions; 223 kidnapping convictions; 8,000 theft convictions; 13,012 obstructing police convictions; 1,217 robbery convictions; 2,146 sexual assault convictions; 2,749 sexual offense convictions; and 1,527 weapon convictions.



Enlarge chart

These figures only count individuals who previously had an encounter with DHS that resulted in their fingerprints being entered into the DHS IDENT database. Foreign nationals who enter the country illegally and avoid detection by DHS, but are later arrested by local or state law enforcement for a state offense will not have a DHS response in regard to their lawful status and do not appear in these counts. However, in addition to the PEP program, DHS actively adjudicates the immigration status of individuals incarcerated in the Texas prison system. From 2011 to date, the Department of Criminal Justice (TDCJ) has provided DPS with information on more than 29,000 individuals who were identified by DHS as in the country illegally while they were

Crime Records Service Menu

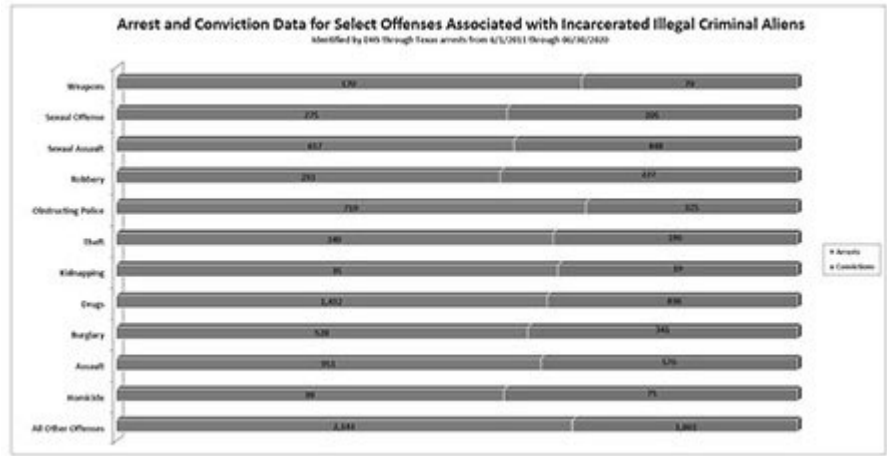
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incarcerated at TDCJ. 10,450 of these individuals were not identified through the PEP program at the time of their arrest. DPS does not know the current incarceration status of the individuals identified while they were incarcerated nor when their alien status was initially determined.

Lawful Presence Determined While Incarcerated at TDCJ

Between June 1, 2011 and January 31, 2021, these 10,450 individual identified as illegal aliens while in prison, but who were not previously identified through PEP, were charged with more than 7,000 criminal offenses which included arrests for 100 homicide charges; 979 assault charges; 529 burglary charges; 1,455 drug charges; 36 kidnapping charges; 364 theft charges; 741 obstructing police charges; 301 robbery charges; 632 sexual assault charges; 282 sexual offense charges; and 173 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 4,000 convictions including 76 homicide convictions; 589 assault convictions; 344 burglary convictions; 847 drug convictions; 21 kidnapping convictions; 200 theft convictions; 323 obstructing police convictions; 231 robbery convictions; 448 sexual assault convictions; 210 sexual offense convictions; and 79 weapon convictions.



Enlarge chart

Because DPS does not know the date these individuals were identified as illegal while in prison, the count of charges for which this population was arrested between June 1, 2011 and January 31, 2021 does not necessarily align with the size of the population of illegal aliens identified while in prison. A more accurate assessment can be seen when examining this population’s entire Texas criminal history and not just for offenses committed during this time period (see the Historical Data section of this report). However, for this report, in order to be consistent with the timeframe utilized to provide counts of arrest and conviction for the population identified through PEP, we have limited the arrest and conviction counts for prison identified illegal aliens to the same June 1, 2011 to January 31, 2020 time frame used for individuals identified through PEP.

Report Notes

These figures do not attempt to allege that foreign nationals in the country illegally commit more crimes than other groups. It simply identifies thousands of crimes that should not have occurred and thousands of victims that should not have been victimized because the perpetrator should not be here. It is also important to note that these figures represent the minimum number of crimes associated with criminal illegal aliens:

- These figures only count arrests in Texas for state offenses. These individuals may have criminal records in other states.
- These figures only represent offenses and convictions that are associated with arrest events that occurred between June 1, 2011 and January 31, 2021.
- The criminal activity for individuals identified as illegal while in prison is under represented for this time period because they may have been incarcerated during the time frame used in this report.
- These figures do not count federal criminal charges.
- These figures do not include similar data for foreign nationals who are lawfully in the country and commit state criminal offenses.
- Individuals whose lawful presence was determined while in prison may or may not be currently incarcerated.

Historical Data

Because individuals identified as being illegally present in the country may have had a Texas criminal history prior to their immigration status being known to law enforcement, DPS has traditionally published criminal history data for an alien’s entire criminal history.

Lawful Presence Determined Through PEP

According to DHS status indicators, over 334,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and January 31, 2021, of which over 228,000 were classified as illegal aliens by DHS.

Over the course of their entire Texas criminal careers, these 228,000 illegal aliens were charged with more than 555,000 criminal offenses which included arrests for 1,210 homicide charges; 64,323 assault charges; 17,037 burglary charges; 70,506 drug charges; 912 kidnapping charges; 32,700 theft charges; 47,931 obstructing police charges; 4,070 robbery charges; 6,804 sexual assault charges; 8,051 sexual offense charges; and 7,995 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 247,000 convictions including 556 homicide convictions; 26,896 assault convictions; 8,723 burglary convictions; 35,242 drug convictions; 343 kidnapping convictions; 15,130 theft convictions; 23,282 obstructing police convictions; 2,235 robbery convictions; 3,484 sexual assault convictions; 4,223 sexual offense convictions; and 3,441 weapon convictions.



[Enlarge chart](#)

Lawful Presence Determined While Incarcerated at TDCJ

From 2011 to date, the Department of Criminal Justice (TDCJ) has provided DPS with information on more than 29,000 individuals who were identified by DHS as in the country illegally while they were incarcerated at TDCJ. 10,450 of these individuals were not identified through the PEP program at the time of their arrest. DPS does not know the current incarceration status of the individuals identified while they were incarcerated nor when their alien status was initially determined. Over the course of their entire Texas criminal careers, these 10,450 individual identified as illegal aliens while in prison, were charged with more than 47,000 criminal offenses which included arrests for 1,930 homicide charges; 5,643 assault charges; 3,588 burglary charges; 6,763 drug charges; 341 kidnapping charges; 2,695 theft charges; 3,697 obstructing police charges; 2,424 robbery charges; 2,985 sexual assault charges; 1,151 sexual offense charges; and 1,563 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 25,000 convictions including 1,150 homicide convictions; 2,870 assault convictions; 1,961 burglary convictions; 3,964 drug convictions; 152 kidnapping convictions; 1,275 theft convictions; 1,664 obstructing police convictions; 1,636 robbery convictions; 1,923 sexual assault convictions; 718 sexual offense convictions; and 616 weapon convictions.



[Enlarge chart](#)

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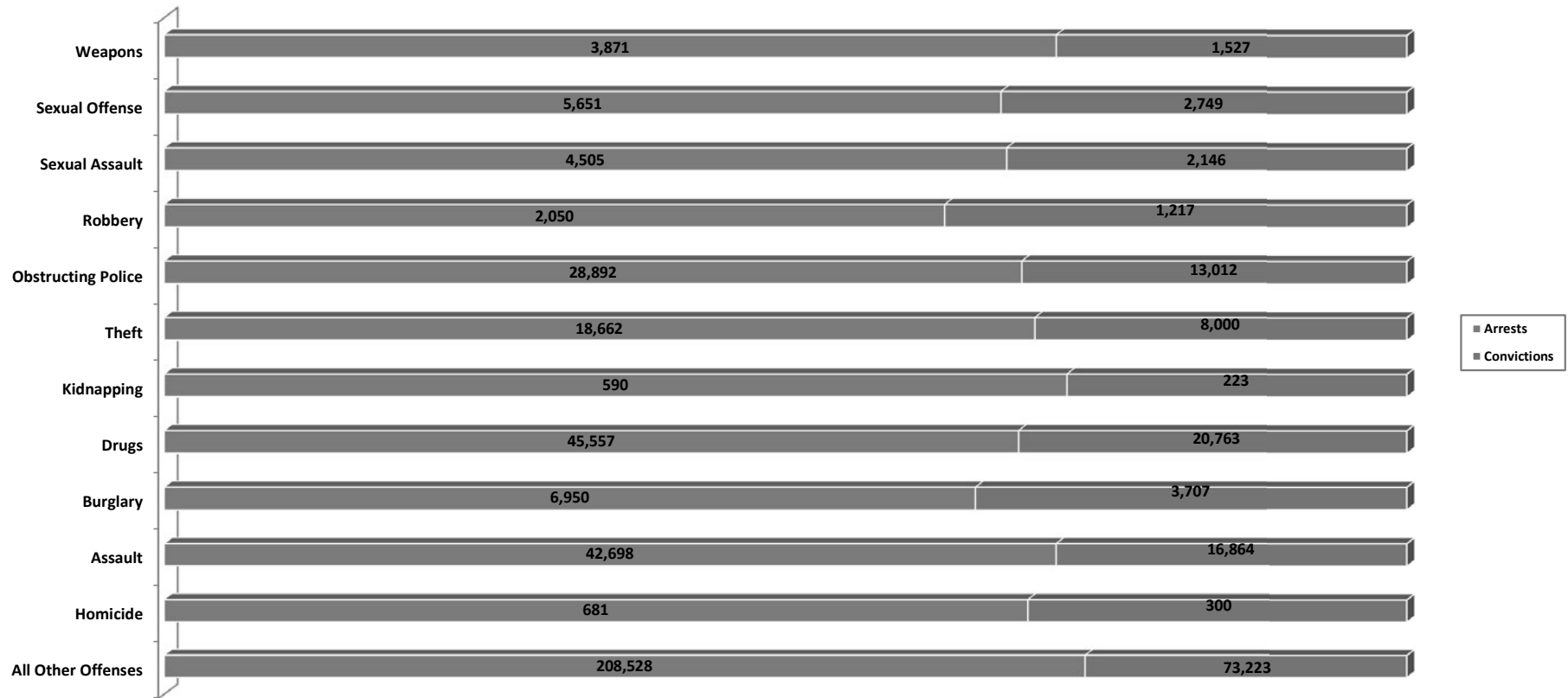
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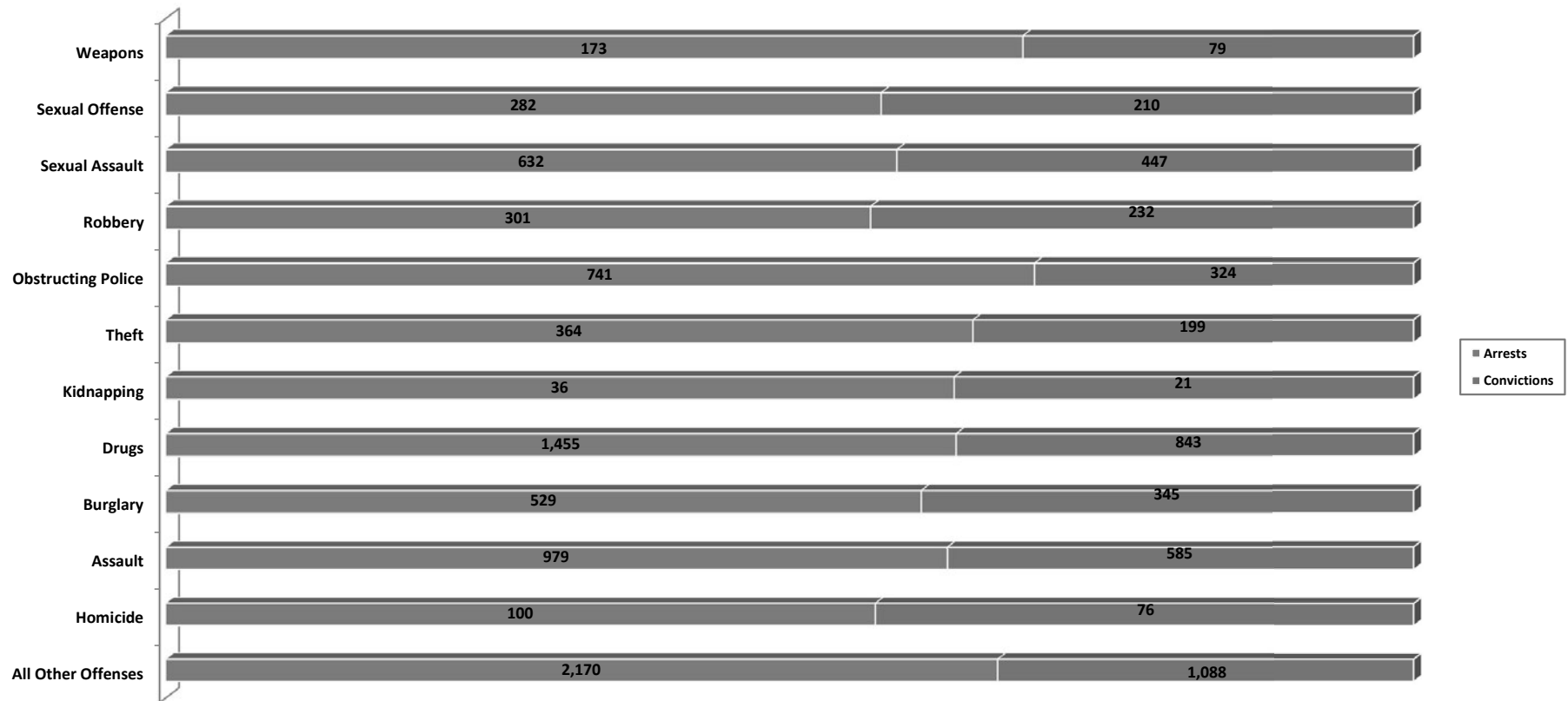
Arrest and Conviction Data for Select Offenses Associated with Illegal Criminal Aliens

Identified by DHS through Texas arrests from 6/1/2011 through 01/31/2021



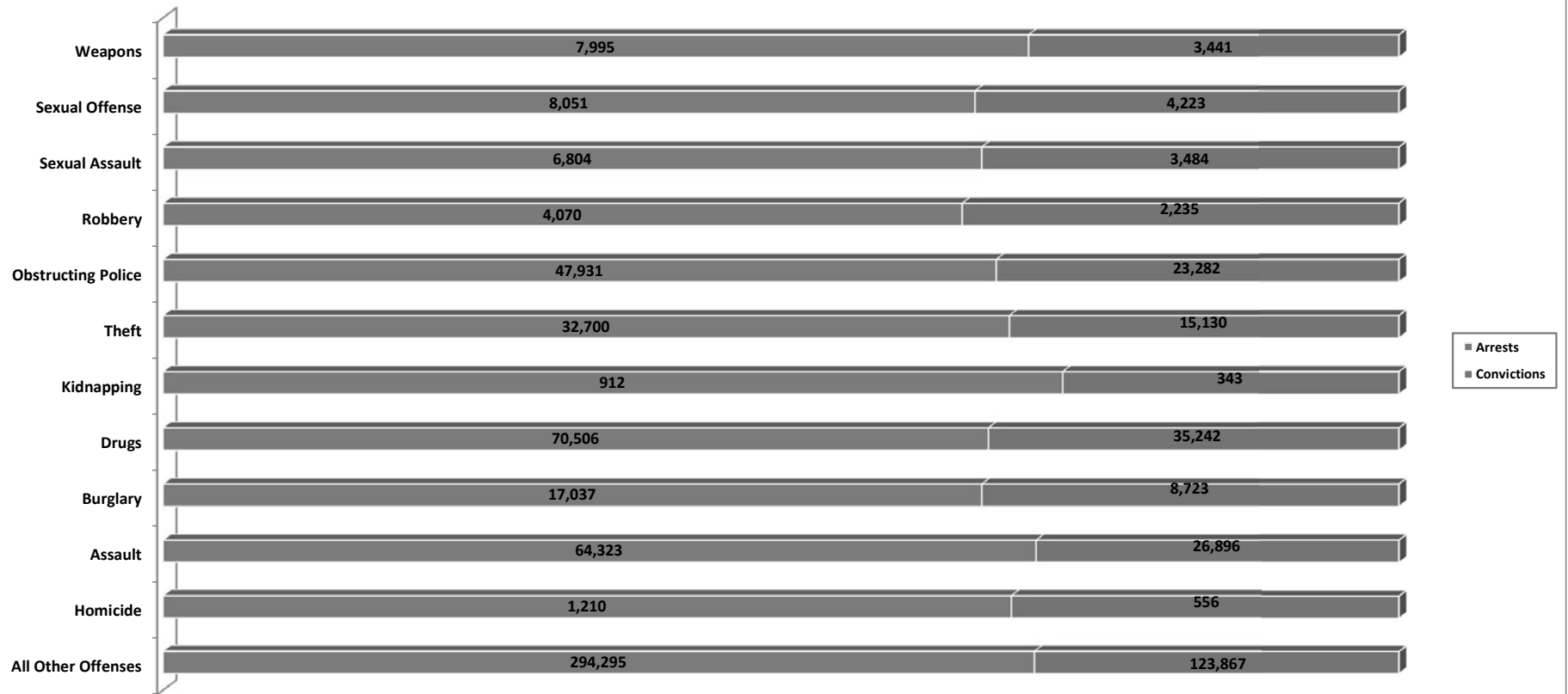
Arrest and Conviction Data for Select Offenses Associated with Incarcerated Illegal Criminal Aliens

Identified by DHS through Texas arrests from 6/1/2011 through 01/31/2021



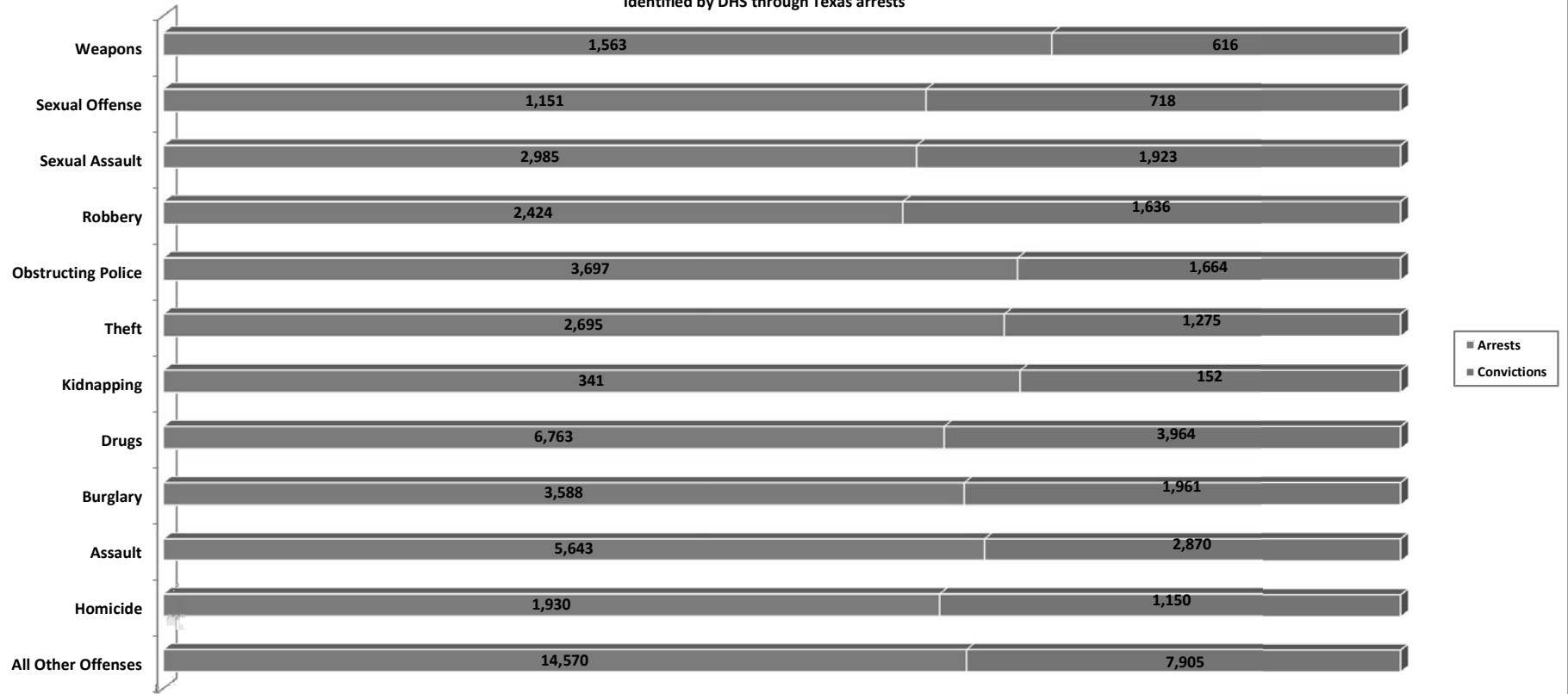
Historical Arrest and Conviction Data for Select Offenses Associated with Illegal Criminal Aliens

Identified by DHS through Texas arrests



Historical Arrest and Conviction Data for Select Offenses Associated with Incarcerated Illegal Criminal Aliens

Identified by DHS through Texas arrests



	Texas			
	Total		Moved; within same county	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Population 1 year and over	28,642,658	±11,223	8.5%	±0.2
AGE				
1 to 4 years	1,628,532	±13,105	11.6%	±0.7
5 to 17 years	5,414,876	±7,620	8.3%	±0.3
18 to 24 years	2,826,700	±9,587	12.9%	±0.5
25 to 34 years	4,242,661	±12,557	13.9%	±0.4
35 to 44 years	3,959,419	±12,322	8.4%	±0.3
45 to 54 years	3,556,845	±10,636	6.0%	±0.3
55 to 64 years	3,274,898	±6,891	4.6%	±0.2
65 to 74 years	2,259,341	±7,279	3.3%	±0.3
75 years and over	1,479,386	±5,575	3.9%	±0.3
Median age (years)	35.5	±0.1	28.0	±0.3
SEX				
Male	14,205,551	±12,331	8.4%	±0.2
Female	14,437,107	±12,058	8.5%	±0.2
RACE AND HISPANIC OR LATINO ORIGIN				
One race	27,831,753	±29,803	8.4%	±0.2
White	21,031,553	±47,146	7.9%	±0.2
Black or African American	3,506,078	±23,226	11.1%	±0.5
American Indian and Alaska Native	144,038	±8,743	9.3%	±1.9
Asian	1,431,296	±11,251	7.1%	±0.6
Native Hawaiian and Other Pacific Islander	26,595	±3,972	11.7%	±7.3
Some other race	1,692,193	±44,598	9.4%	±0.9
Two or more races	810,905	±27,487	10.7%	±1.1

	Moved; from different county, same state		Moved; from different state	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Population 1 year and over	3.8%	±0.1	2.0%	±0.1
AGE				
1 to 4 years	4.0%	±0.4	2.3%	±0.3
5 to 17 years	2.6%	±0.2	1.5%	±0.1
18 to 24 years	8.3%	±0.4	3.5%	±0.2
25 to 34 years	6.5%	±0.3	3.3%	±0.2
35 to 44 years	3.6%	±0.2	2.0%	±0.2
45 to 54 years	2.9%	±0.2	1.4%	±0.1
55 to 64 years	2.2%	±0.2	1.1%	±0.1
65 to 74 years	1.7%	±0.2	1.0%	±0.1
75 years and over	1.7%	±0.2	0.8%	±0.1
Median age (years)	28.1	±0.4	28.8	±0.5
SEX				
Male	4.0%	±0.1	2.0%	±0.1
Female	3.7%	±0.1	1.9%	±0.1
RACE AND HISPANIC OR LATINO ORIGIN				
One race	3.8%	±0.1	1.9%	±0.1
White	3.7%	±0.1	1.7%	±0.1
Black or African American	4.5%	±0.3	2.4%	±0.3
American Indian and Alaska Native	4.9%	±1.7	2.7%	±0.8
Asian	3.6%	±0.5	3.7%	±0.5
Native Hawaiian and Other Pacific Islander	3.2%	±2.0	9.4%	±8.3
Some other race	3.0%	±0.4	0.9%	±0.2
Two or more races	5.1%	±0.6	3.9%	±0.7

	Moved; from abroad	
Label	Estimate	Margin of Error
Population 1 year and over	0.8%	±0.1
AGE		
1 to 4 years	1.0%	±0.2
5 to 17 years	0.7%	±0.1
18 to 24 years	1.2%	±0.1
25 to 34 years	1.3%	±0.1
35 to 44 years	0.8%	±0.1
45 to 54 years	0.5%	±0.1
55 to 64 years	0.4%	±0.1
65 to 74 years	0.4%	±0.1
75 years and over	0.3%	±0.1
Median age (years)	27.9	±1.1
SEX		
Male	0.8%	±0.1
Female	0.7%	±0.1
RACE AND HISPANIC OR LATINO ORIGIN		
One race	0.8%	±0.1
White	0.6%	±0.1
Black or African American	0.4%	±0.1
American Indian and Alaska Native	1.1%	±0.6
Asian	2.9%	±0.4
Native Hawaiian and Other Pacific Islander	1.0%	±1.4
Some other race	1.8%	±0.4
Two or more races	0.7%	±0.2

	Texas			
	Total		Moved; within same county	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Hispanic or Latino origin (of any race)	11,363,374	±7,932	8.8%	±0.3
White alone, not Hispanic or Latino	11,816,132	±8,528	7.5%	±0.2
NATIVITY AND CITIZENSHIP STATUS				
Native	23,694,288	±55,093	8.6%	±0.2
Foreign born	4,948,370	±52,930	7.7%	±0.4
Naturalized U.S. citizen	1,958,749	±30,459	5.2%	±0.5
Not a U.S. citizen	2,989,621	±47,047	9.4%	±0.5
MARITAL STATUS				
Population 15 years and over	22,833,954	±7,734	8.2%	±0.2
Never married	7,715,686	±41,287	11.1%	±0.3
Now married, except separated	11,041,301	±50,997	6.0%	±0.2
Divorced or separated	2,938,935	±31,574	10.0%	±0.4
Widowed	1,138,032	±21,081	5.4%	±0.4
EDUCATIONAL ATTAINMENT				
Population 25 years and over	18,772,550	±10,843	7.5%	±0.2
Less than high school graduate	2,882,388	±33,539	7.3%	±0.4
High school graduate (includes equivalency)	4,734,422	±47,856	7.6%	±0.3
Some college or associate's degree	5,379,207	±41,497	7.8%	±0.3
Bachelor's degree	3,750,797	±35,494	7.6%	±0.3
Graduate or professional degree	2,025,736	±29,709	7.1%	±0.4

	Moved; from different county, same state		Moved; from different state	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Hispanic or Latino origin (of any race)	2.9%	±0.1	1.0%	±0.1
White alone, not Hispanic or Latino	4.6%	±0.2	2.4%	±0.1
NATIVITY AND CITIZENSHIP STATUS				
Native	4.1%	±0.1	2.0%	±0.1
Foreign born	2.4%	±0.2	1.8%	±0.2
Naturalized U.S. citizen	2.4%	±0.2	1.6%	±0.2
Not a U.S. citizen	2.5%	±0.3	1.8%	±0.2
MARITAL STATUS				
Population 15 years and over	4.0%	±0.1	2.0%	±0.1
Never married	5.7%	±0.2	2.5%	±0.1
Now married, except separated	2.8%	±0.1	1.8%	±0.1
Divorced or separated	4.6%	±0.2	1.7%	±0.2
Widowed	2.4%	±0.3	1.1%	±0.2
EDUCATIONAL ATTAINMENT				
Population 25 years and over	3.5%	±0.1	1.8%	±0.1
Less than high school graduate	2.6%	±0.2	0.7%	±0.1
High school graduate (includes equivalency)	3.4%	±0.2	1.2%	±0.1
Some college or associate's degree	3.9%	±0.2	1.9%	±0.1
Bachelor's degree	3.7%	±0.2	2.7%	±0.2
Graduate or professional degree	3.6%	±0.3	3.0%	±0.3

	Moved; from abroad	
Label	Estimate	Margin of Error
Hispanic or Latino origin (of any race)	1.0%	±0.1
White alone, not Hispanic or Latino	0.4%	±0.1
NATIVITY AND CITIZENSHIP STATUS		
Native	0.3%	±0.1
Foreign born	3.1%	±0.3
Naturalized U.S. citizen	0.6%	±0.2
Not a U.S. citizen	4.7%	±0.4
MARITAL STATUS		
Population 15 years and over	0.8%	±0.1
Never married	1.0%	±0.1
Now married, except separated	0.7%	±0.1
Divorced or separated	0.4%	±0.1
Widowed	0.4%	±0.1
EDUCATIONAL ATTAINMENT		
Population 25 years and over	0.7%	±0.1
Less than high school graduate	1.1%	±0.2
High school graduate (includes equivalency)	0.5%	±0.1
Some college or associate's degree	0.4%	±0.1
Bachelor's degree	0.9%	±0.1
Graduate or professional degree	1.0%	±0.2

	Texas			
	Total		Moved; within same county	
Label	Estimate	Margin of Error	Estimate	Margin of Error
INDIVIDUAL INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)				
Population 15 years and over	22,833,954	±7,734	8.2%	±0.2
\$1 to \$9,999 or loss	3,203,558	±32,025	8.7%	±0.3
\$10,000 to \$14,999	1,713,105	±26,543	8.7%	±0.5
\$15,000 to \$24,999	2,959,404	±29,675	9.3%	±0.4
\$25,000 to \$34,999	2,407,403	±28,262	9.4%	±0.4
\$35,000 to \$49,999	2,631,883	±32,926	8.5%	±0.3
\$50,000 to \$64,999	2,041,160	±33,830	8.6%	±0.4
\$65,000 to \$74,999	861,911	±18,513	7.5%	±0.6
\$75,000 or more	3,355,247	±36,009	6.4%	±0.3
Median income (dollars)	31,505	±139	29,297	±918
POVERTY STATUS IN THE PAST 12 MONTHS				
Population 1 year and over for whom poverty status is determined	28,016,731	±12,536	8.3%	±0.2
Below 100 percent of the poverty level	3,790,948	±67,495	12.6%	±0.6
100 to 149 percent of the poverty level	2,623,138	±67,036	9.9%	±0.8
At or above 150 percent of the poverty level	21,602,645	±94,258	7.4%	±0.2
HOUSING TENURE				
Population 1 year and over in housing units	28,041,965	±11,223	8.3%	±0.2

	Moved; from different county, same state		Moved; from different state	
Label	Estimate	Margin of Error	Estimate	Margin of Error
INDIVIDUAL INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)				
Population 15 years and over	4.0%	±0.1	2.0%	±0.1
\$1 to \$9,999 or less	5.3%	±0.3	2.1%	±0.2
\$10,000 to \$14,999	3.8%	±0.3	1.9%	±0.2
\$15,000 to \$24,999	3.6%	±0.2	2.1%	±0.2
\$25,000 to \$34,999	3.7%	±0.2	1.8%	±0.2
\$35,000 to \$49,999	3.7%	±0.2	2.0%	±0.2
\$50,000 to \$64,999	4.1%	±0.3	1.9%	±0.2
\$65,000 to \$74,999	3.8%	±0.5	2.2%	±0.4
\$75,000 or more	3.1%	±0.2	2.2%	±0.2
Median income (dollars)	28,266	±1,439	31,784	±946
POVERTY STATUS IN THE PAST 12 MONTHS				
Population 1 year and over for whom poverty status is determined	3.4%	±0.1	1.9%	±0.1
Below 100 percent of the poverty level	4.4%	±0.3	1.8%	±0.2
100 to 149 percent of the poverty level	3.1%	±0.4	1.7%	±0.3
At or above 150 percent of the poverty level	3.3%	±0.1	1.9%	±0.1
HOUSING TENURE				
Population 1 year and over in housing units	3.4%	±0.1	1.9%	±0.1

	Moved; from abroad	
Label	Estimate	Margin of Error
INDIVIDUAL INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)		
Population 15 years and over	0.8%	±0.1
\$1 to \$9,999 or loss	1.2%	±0.2
\$10,000 to \$14,999	0.5%	±0.1
\$15,000 to \$24,999	0.7%	±0.2
\$25,000 to \$34,999	0.4%	±0.1
\$35,000 to \$49,999	0.4%	±0.1
\$50,000 to \$64,999	0.3%	±0.1
\$65,000 to \$74,999	0.3%	±0.1
\$75,000 or more	0.4%	±0.1
Median income (dollars)	19,924	±2,317
POVERTY STATUS IN THE PAST 12 MONTHS		
Population 1 year and over for whom poverty status is determined	0.7%	±0.1
Below 100 percent of the poverty level	1.6%	±0.3
100 to 149 percent of the poverty level	0.7%	±0.2
At or above 150 percent of the poverty level	0.6%	±0.1
HOUSING TENURE		
Population 1 year and over in housing units	0.7%	±0.1

	Texas			
	Total		Moved; within same county	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Householder lived in owner-occupied housing units	18,304,178	±101,137	4.1%	±0.1
Householder lived in renter-occupied housing units	9,737,787	±101,070	16.3%	±0.4
PERCENT ALLOCATED				
Residence 1 year ago	7.8%	(X)	(X)	(X)

	Moved; from different county, same state		Moved; from different state	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Householder lived in owner-occupied housing units	2.1%	±0.1	1.1%	±0.1
Householder lived in renter-occupied housing units	5.8%	±0.2	3.2%	±0.2
PERCENT ALLOCATED				
Residence 1 year ago	(X)	(X)	(X)	(X)

	Moved; from abroad	
Label	Estimate	Margin of Error
Householder lived in owner-occupied housing units	0.3%	±0.1
Householder lived in renter-occupied housing units	1.5%	±0.1
PERCENT ALLOCATED		
Residence 1 year ago	(X)	(X)



Included in this Brief:

- Texas is experiencing strong growth in its foreign-born population.
- Both international and domestic migration are fueling the growth of the foreign-born population in Texas.
- The growth of the foreign-born population is making the Texas population more international than at any time since it became a state.

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The Office of the State Demographer is responsible for interpreting and communicating information on demographic and socioeconomic issues for the State of Texas to the public and the legislature.

October 2015

THE FOREIGN-BORN POPULATION IN TEXAS: SOURCES OF GROWTH

Based on the size and composition of its foreign-born population, Texas is more international than at any time since its statehood in 1845. By 2013, more than one of every 10 foreign-born persons in the United States resided in Texas. Presently, about one out of six Texas residents was born in a foreign country. In this brief, we examine the sources of growth for the foreign-born population in Texas and discuss the implications of this trend for the State. Using U.S. Census Bureau data, we show that slightly more than half of the 2012-2013 net migration to Texas was by foreign-born persons and that domestic migration accounts for almost 40 percent of the growth in the State's foreign-born population¹.

Background

International in-migrants are persons who move to the United States from abroad. The American Community Survey (ACS) asks respondents where they lived one year ago. If they lived abroad one year ago, they are considered to be recent international in-migrants. In this context, international in-migrants represent the annual inflow of persons from other countries into the United States.

Census Terminology

Foreign-Born

The foreign-born population includes anyone who is not a U.S. citizen at birth.

In-Migrant

A person entering a specified area by crossing its boundary from some point outside the area.

Native-Born

Anyone born in the United States, Puerto Rico, or a U.S. Island Area, or those born abroad of at least one U.S. citizen parent.

Immigrant

Admitted for lawful permanent residence in the United States.

International Migrant

A person who changes his or her usual place of residence from one country to another.

Domestic Migration

Domestic migration is the movement of people within the United States.

Net Migration

Net migration for a given geographic area is the difference between in-migration and out-migration during a specified time frame.

Sources: Schmidley and Gibson 1999; Grieco et al 2012; Perry 2006; U.S. Census 1992

By contrast, the foreign-born population includes all persons who were not U.S. citizens at birth. As such, the foreign-born population in the United States represents all non-native international migrants regardless of when they arrived in the United States or their immigration status. Consequently, while international in-migrants represent a flow phenomenon, the foreign-born population is a stock or resident phenomenon that results from this flow.

Historical Trends in Texas Nativity

Both the size and the share of the foreign-born population in Texas are greater than at any time since statehood in 1845. In Table 1, we find that 8.3 percent of Texas residents were foreign-born in 1850. After declining to 2.8 percent in 1970, the share of the foreign-born population in Texas increased to 16.4 percent in 2010.

Table 1: Number and Percent of Texas Residents by Nativity, Selected Years

Year	Native-Born Residents		Foreign-Born Residents		Total Residents	
	Number	Percent	Number	Percent	Number	Percent
1850	194,911	91.7%	17,681	8.3%	212,592	100.0%
1900	2,869,353	94.1%	179,357	5.9%	3,048,710	100.0%
1960	9,282,717	96.9%	298,791	3.1%	9,581,508	100.0%
1970	10,885,644	97.2%	309,772	2.8%	11,195,416	100.0%
1980	13,372,978	94.0%	856,213	6.0%	14,229,191	100.0%
1990	15,462,074	91.0%	1,524,436	9.0%	16,986,510	100.0%
2000	17,952,178	86.1%	2,899,642	13.9%	20,851,820	100.0%
2010	21,115,083	83.6%	4,142,031	16.4%	25,257,114	100.0%

Sources: Gibson and Jung 2006; U.S. Census Bureau ACS 1-Year Summary Data, 2010

Figure 1: Texas Population Size by Nativity, 1850-2010

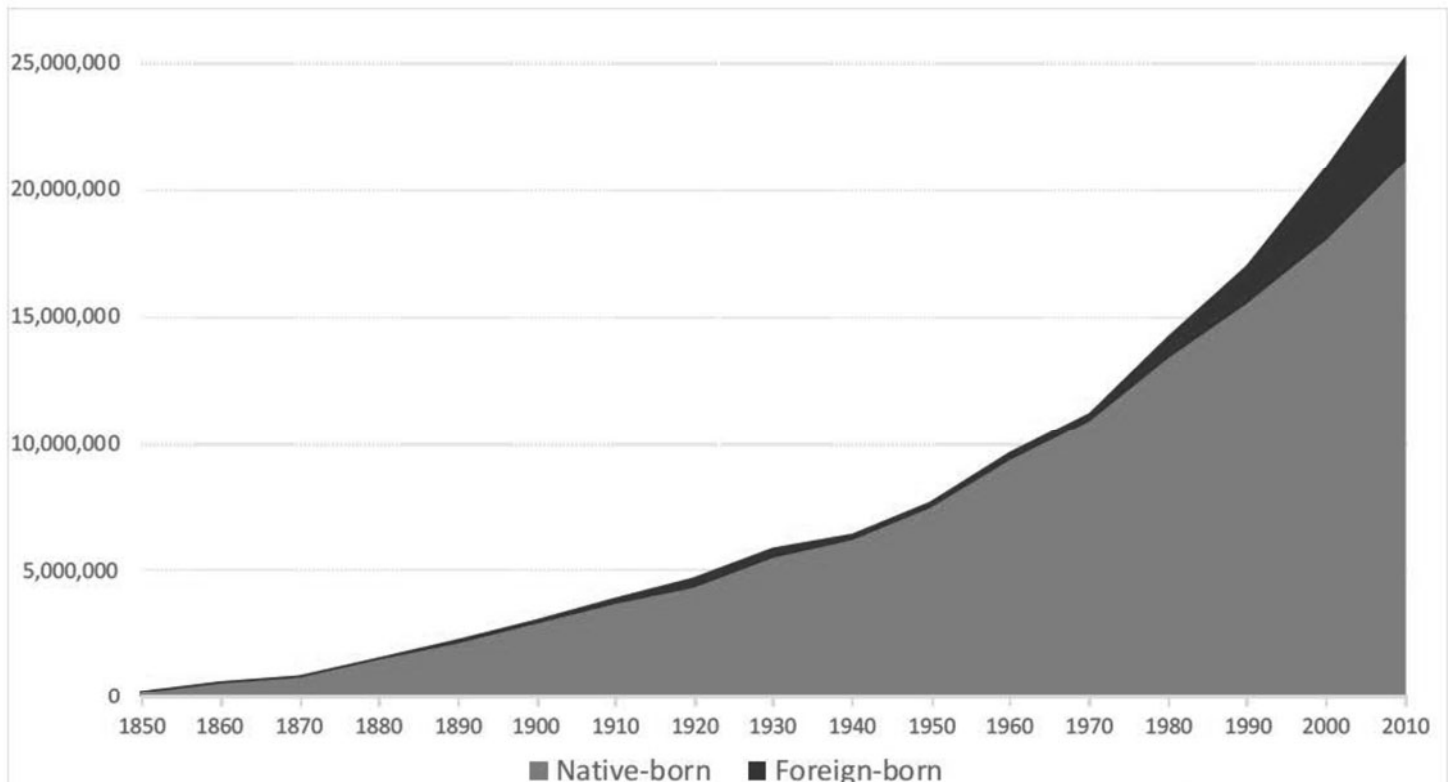


Table 1 and Figure 1 show that as recently as the last decades of the twentieth century, the growth of the foreign-born population in Texas was slight and gradual. For example, from 1900 to 1970, the state's foreign-born population increased by 130,415 or by less than 2,000 persons per year. From 1970 to 2010, the number of foreign-born Texans increased by 3,832,259 which is almost 96,000 persons per year.

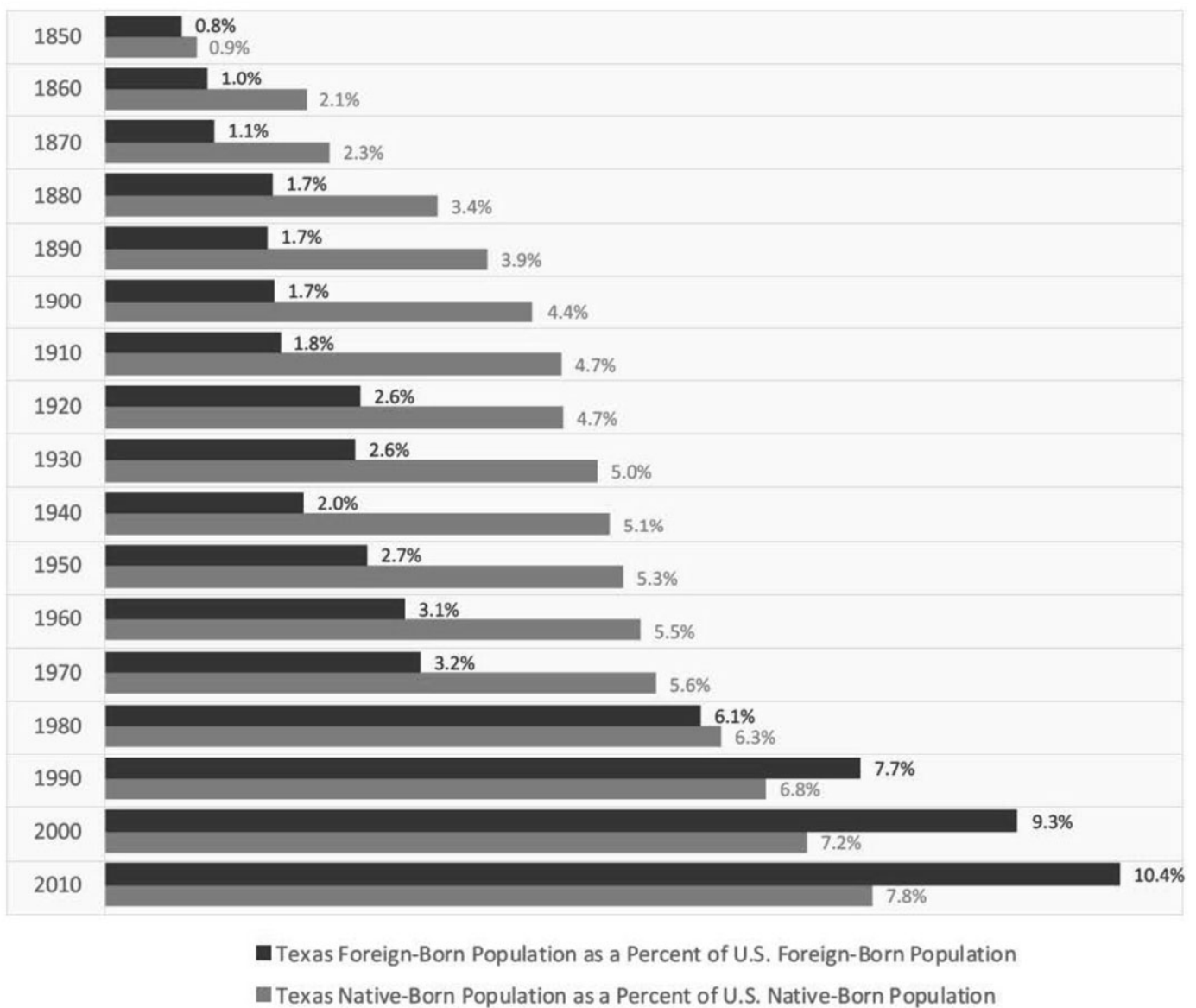
In Figure 2, we see the Texas share of the U.S. population has increased every decade since 1850. Until 1990, the state's share of the U.S. native

-born population was greater than its share of the U.S. foreign-born population. Beginning in 1990, Texas' share of the U.S. foreign-born population has exceeded its share of the U.S. native-born population.

SINCE 1990, TEXAS FOREIGN-BORN POPULATION HAS GROWN MORE RAPIDLY THAN THE NATIVE-BORN POPULATION.

From 1990 until the present, the Texas share of the U.S. foreign-born population has increased so that by 2010, Texas had 7.8 percent of the U.S. native-born population and 10.4 percent of

Figure 2: Texas Percentage of the U.S. Population by Nativity, 1850-2010



Sources: Gibson and Jung 2006; U.S. Census Bureau ACS 1-Year Summary Data, 2010

the U.S. foreign-born population. Thus, in recent decades, the state's foreign-born population has grown more rapidly than its native-born population.

In contrast with the native-born population, migration is the sole source of growth for the foreign-born population. The following section describes the migration patterns of foreign-born persons in Texas.

Historical Trends in Foreign-Born Migration to Texas

Table 1 and Figures 1 and 2 presented the 'migrant stock' or resident population which is the total number of foreign-born persons living in Texas at a given point in time. With these data, we saw that the state's foreign-born population has experienced tremendous growth in recent decades. In this section, we describe the sources of this growth.

Growth in the foreign-born population is the result of migration flows - the number of foreign-born persons moving to Texas during a given time period. These migration flows have two sources: international migration (originating in another country) and domestic migration (originating in another state).

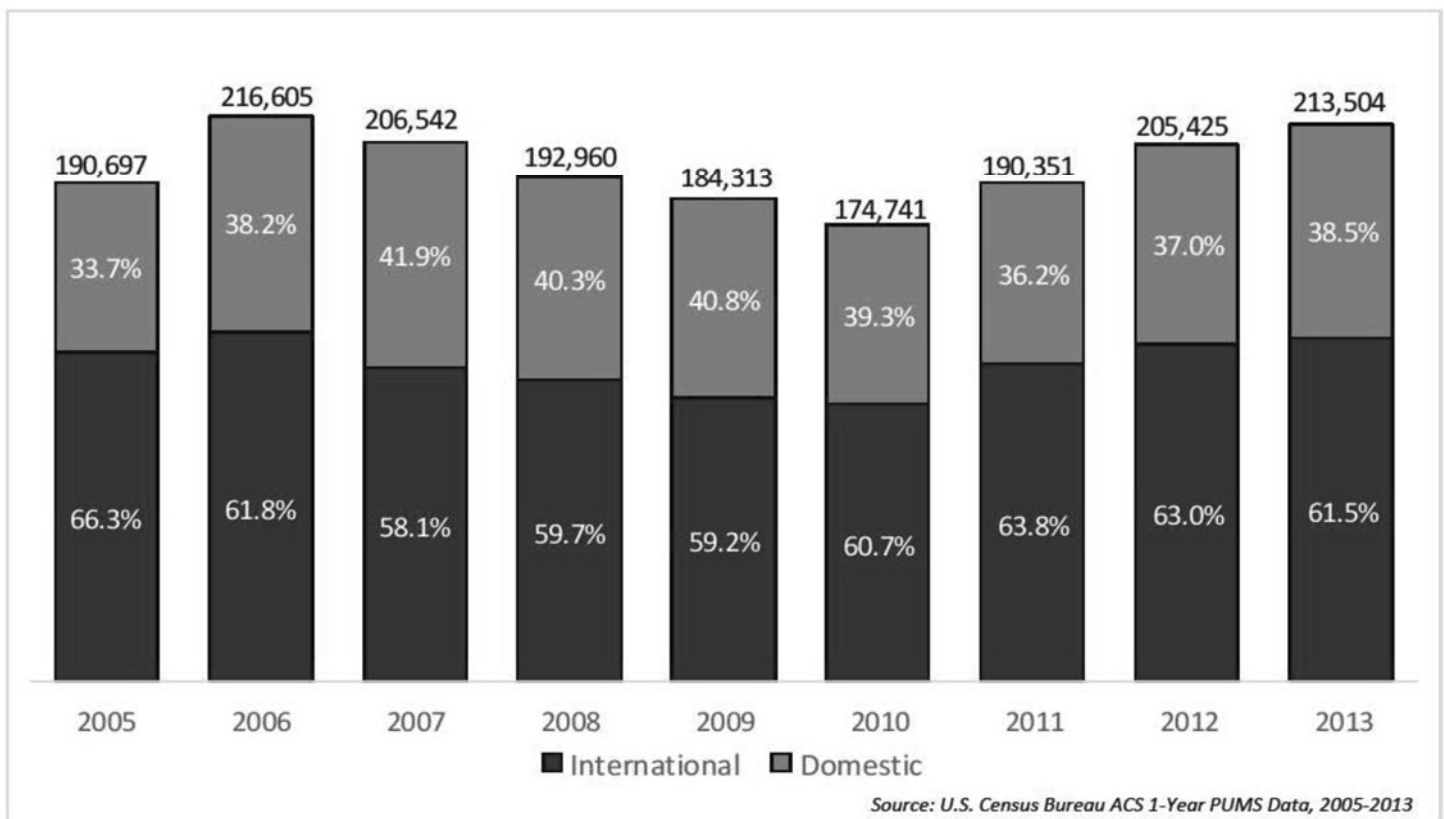
Figure 3 shows the 2005 through 2013 'migrant flow' data for the foreign-born population moving to Texas. In this figure, migrants are persons who lived in another country or state in the prior year.

Between 2005 and 2013, the greatest annual migration of foreign-born people to Texas occurred in 2006, at 216,605. The least annual migration was 174,741 in 2010 following the end of the 'great recession' of 2007-2009. By 2013, the number of foreign-born migrants to Texas had increased to 213,504, the second highest level during the nine year time series.

Figure 3 shows that international migration has been the major source of growth for the foreign-born population in Texas, constituting around 60 percent of the annual foreign-born in-migration. However, growth in the domestic migration of the foreign-born also has been strong.

The domestic migration of foreign-born persons has grown from about 64,000 in 2005 to over 82,000 in 2013. This increase of almost 18,000 represents an average annual growth of more than 3 percent. By contrast, the international migration of

Figure 3: Number and Percent of Foreign-Born Migrants to Texas by Migration Type, 2005-2013



foreign-born persons to Texas grew from around 126,000 in 2005 to 131,000 in 2013, an increase of around 5,000 which reflects an average annual growth rate of less than 1 percent.

RECENTLY, FOR EVERY 10 FOREIGN-BORN PERSONS ENTERING TEXAS, ROUGHLY 4 MOVED FROM ANOTHER STATE IN THE U.S.

Even though international migration remains the largest source of growth for foreign-born Texans, domestic migrants represented close to 40 percent of the foreign-born migration to Texas between 2005 and 2013. Thus, in recent years, about four of every ten foreign-born persons moving to Texas migrated from another U.S. state.

Figure 3 showed migration flow data for total in-migrants – the number of persons moving into an area. Though in-migration is an important migration measure, it does not account for out-migration – the number of people moving out of an area. For example, in 2013, 82,174 foreign-born persons migrated to Texas from other states. However, in that same year, 50,789 foreign-born persons moved out of Texas into other states. To capture the total population gain from migration, we employ net migration. Net migration is the numerical difference between in-migration and out-migration. Using net migration, Texas gained an estimated total of 31,385 foreign born persons from domestic migration in 2013 (i.e., $82,174 - 50,789 = 31,385$).

Table 2 shows the 10 U.S. states with the largest average net domestic migration for the 2005-2013 time period. These data include both native-born and foreign-born persons. Net migration for international migrants is not presented because the ACS (American Community Survey) does not track international out-migration.

In Table 2 we see that Texas led the nation in net domestic migration between 2005 and 2013. The state's average of 125,778 net domestic migrants is 1.8 times larger than that for Florida which had the second largest number of net domestic migrants for 2005-2013.

HIGH DOMESTIC IN-MIGRATION TO TEXAS HAS FUELED THE GROWTH OF FOREIGN-BORN POPULATION INCREASES; ABOUT ONE IN FIVE DOMESTIC MIGRANTS WAS FOREIGN-BORN.

The rapid growth in Texas' foreign-born population has occurred alongside this pattern of high net domestic in-migration. The state's substantial net domestic migration helped fuel the growth of the foreign-born population because around one in every five of these domestic migrants was foreign-born.

Table 3 and Figure 4 have the net domestic migration to Texas for native- and foreign-born persons from 2005 through 2013. During these nine years, Texas added a little over 1.1 million persons through domestic migration. Of these, 254,181, or 22.5 percent, were foreign-born.

In the 2005-2013 series, 2006 had the largest total net migration, at 169,404, while 2010 had the smallest at 81,277. After the 2006 peak, net migration declined until 2011. As noted above, this cycle of peak and decline reflects the effects of the 2007-2009 recession. By 2013, net domestic migration had risen to 133,749, the fourth highest number during the 2005-2013 annual series.

These data suggest that the native-born and foreign-born migrants have somewhat different migration patterns. For example, the peak number of native-born migrants occurred in 2006 while the peak number of foreign-born migrants happened in 2007. The smallest net migration for the native-born happened in 2010 at 21,237. For the foreign-born, the smallest net migration was in 2005 at 10,046. As for shares of net migration, native-born in-migrants range from a high of 91.3 percent in 2005 to a low of

Table 2

States Ranked by
Average Annual Net
Domestic Migration 2005-2013

State	Net Migration
Tennessee	24,684
Oregon	25,422
Washington	27,763
Colorado	33,504
South Carolina	38,189
Georgia	48,050
Arizona	53,863
North Carolina	67,501
Florida	69,801
Texas	125,778

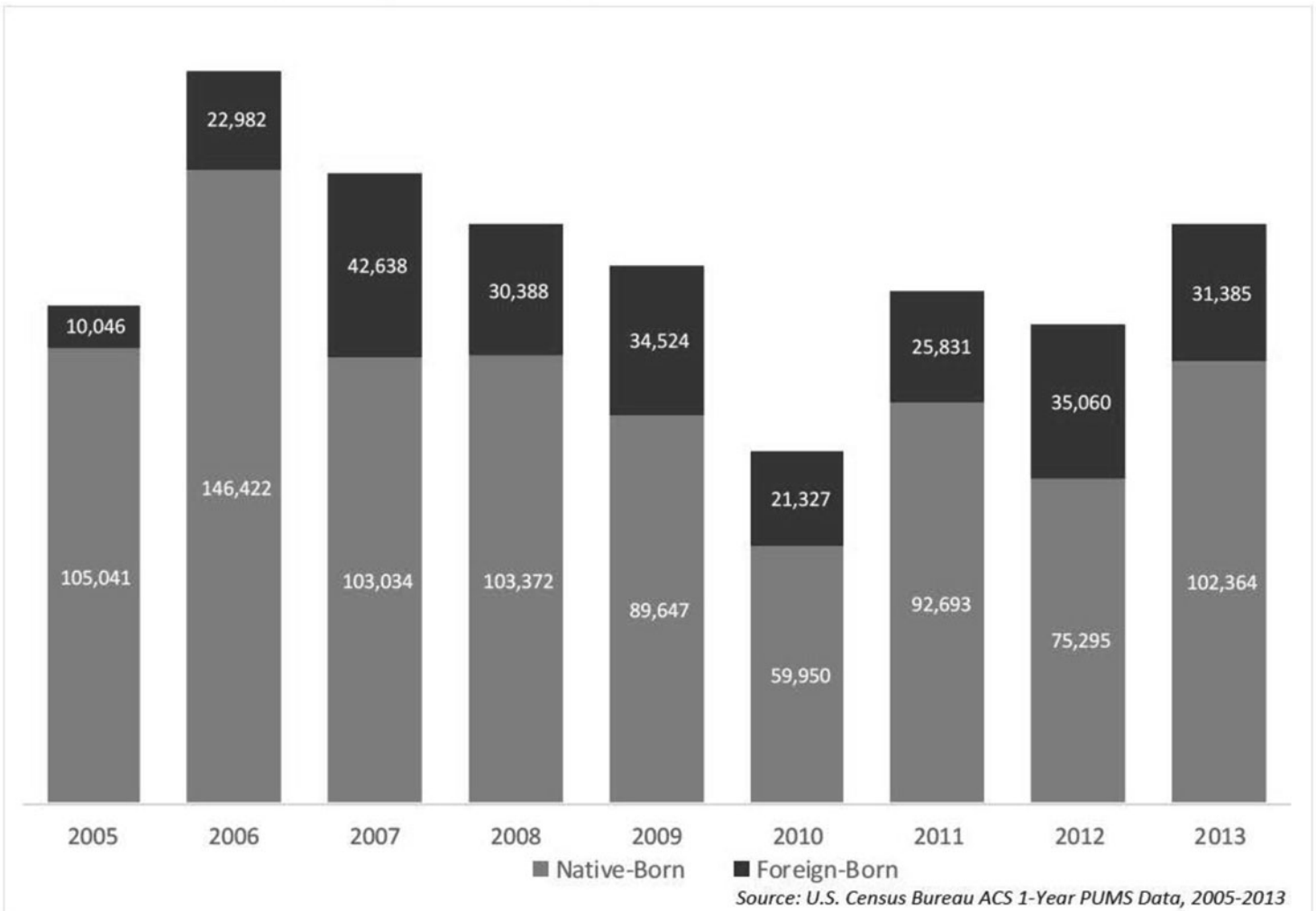
Source: U.S. Census Bureau
ACS 1-Year PUMs, 2005-2013

Table 3: Number and Percent of Net Domestic Migrants to Texas by Nativity, 2005-2013

Year	Native-Born Migrants		Foreign-Born Migrants		Total Migrants	
	Number	Percent	Number	Percent	Number	Percent
2005	105,041	91.3%	10,046	8.7%	115,087	100.0%
2006	146,422	86.4%	22,982	13.6%	169,404	100.0%
2007	103,034	70.7%	42,638	29.3%	145,672	100.0%
2008	103,372	77.3%	30,388	22.7%	133,760	100.0%
2009	89,647	72.2%	34,524	27.8%	124,171	100.0%
2010	59,950	73.8%	21,327	26.2%	81,277	100.0%
2011	92,693	78.2%	25,831	21.8%	118,524	100.0%
2012	75,295	68.2%	35,060	31.8%	110,355	100.0%
2013	102,364	76.5%	31,385	23.5%	133,749	100.0%
All Years	877,818	77.5%	254,181	22.5%	1,131,999	100.0%

Source: U.S. Census Bureau ACS 1-Year Summary Data, 2005-2013

Figure 4: Net Domestic Migration to Texas by Nativity, 2005-2013



68.2 percent in 2012. Conversely for the foreign-born, their highest share was in 2012 at 31.8 percent and the lowest was 2005 at 8.7 percent. Also, for the recession years, 2007-2009, the foreign-born share of net migration was 26.6 percent, higher than its overall average share of 22.5 percent. By contrast, the native-born share fell to 73.4 percent in this period, below its overall 77.5 percent average share.

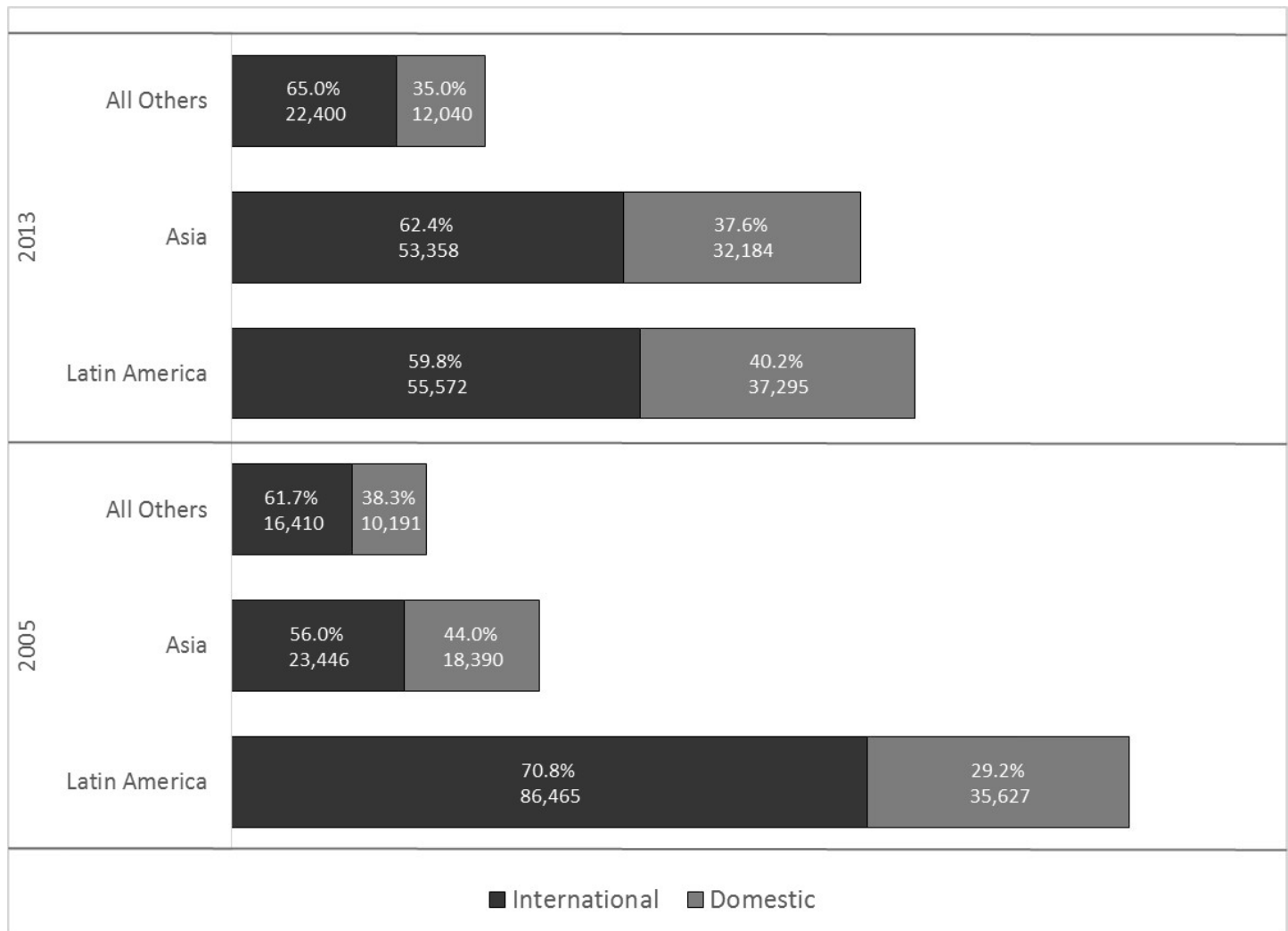
We have demonstrated that the stock of foreign-born persons in Texas has had strong growth in recent years. We have also shown that migration - both international and domestic - is the source of this growth. In the next section we will describe the origins of these foreign-born migrants to Texas.

Origins of Foreign-Born Migrants to Texas

Figures 5, 6, and 7 are based on the world area of birth for foreign-born migrants to Texas. In Figure 5, we find that, for both international and domestic migration, persons from Latin America and Asia² predominate foreign-born migration to Texas (for more details on the origins of international migrants to Texas, please see White et al 2015).

Between 2005 and 2013, 2005 was a peak year for the international migration of Latin-American born persons to Texas. During 2005, over 70 percent of the Latin-American origin migrants were international migrants. By 2013, less than 60 percent

Figure 5: Comparison of 2005 and 2013 Foreign-Born Migrants to Texas by World Area of Birth and Migration Type



Source: U.S. Census Bureau ACS 1-Year PUMS Data, 2005 and 2013